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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 588 (ER)

5 AHMED MOHAMMED EL GAMMAL,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 January 25, 2017  
9:15 a.m.

10 Before:

11 HON. EDGARDO RAMOS,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
17 Southern District of New York

BRENDAN F. QUIGLEY

17 NEGAR TEKEEI

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ANNALISA MIRÓN

21 DANIEL G. HABIB

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1 THE COURT: Is there anything the parties wanted to  
2 raise?

3 MR. QUIGLEY: Judge, we just had one issue from the  
4 end of the day yesterday with Defense Exhibit 400. It was  
5 admitted subject to connection on page 1444 of the transcript.  
6 We objected on authentication grounds, I don't think it was  
7 ever authenticated as something that had been delivered to the  
8 defendant.

9 THE COURT: What was the exhibit?

10 MR. QUIGLEY: Defense Exhibit 400.

11 THE COURT: Okay. Do you want to respond?

12 MR. HABIB: Yes, sorry, your Honor. Your Honor will  
13 recall that the testimony was that Attiya sent a copy of his  
14 résumé to Mr. Gammal several times via Facebook. The exhibit  
15 that we introduced, while not retrieved from any of those  
16 Facebook messages, was retrieved from Attiya's e-mail which was  
17 produced to us in discovery, and we think that's a sufficient  
18 basis to offer it.

19 MR. QUIGLEY: Judge, the entire relevance of the  
20 document, we object on hearsay grounds. It was admitted to  
21 show the effect on the hearer, Mr. El Gammal. That résumé was  
22 never actually -- there is no evidence that résumé was ever  
23 received by Mr. Gammal, then it's not relevant.

24 THE COURT: I take it the parties have Mr. El Gammal's  
25 Facebook account and searched his mail and his e-mails, etc.?

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1 MR. QUIGLEY: With the PDFs that we get from Facebook,  
2 it is not always possible to retrieve the attachments. That  
3 was the issue.

4 THE COURT: Okay.

5 MR. HABIB: That's right, your Honor. We I think the  
6 parties don't dispute that, and Special Agent Collie testified  
7 that Attiya sent his résumé to Mr. Gammal via attachment. The  
8 parties were not able to retrieve those particular attachments.  
9 The résumé that we tendered was retrieved from Attiya's e-mail  
10 and was I believe e-mail at substantially the same time.

11 THE COURT: That's the question. So were you able to  
12 sync up the e-mail that Attiya sent with the e-mail that Mr. El  
13 Gammal received?

14 MR. HABIB: No.

15 MR. QUIGLEY: That makes it not relevant.

16 THE COURT: It will not be admitted.

17 MS. MIRON: A couple of other issues.

18 THE COURT: Sure.

19 MS. MIRON: For the record, and I know that the Court  
20 ruled against us on this issue as it relates to the motions in  
21 limine, but for the record, we do ask that the Court limit the  
22 duration of the conspiracy for Counts One and Two to when Samy  
23 joined ISIS, specifically February 2015.

24 THE COURT: I'm sorry. That I should determine that's  
25 when the conspiracy ended?

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1 MS. MIRON: That the jury cannot consider for Counts  
2 One and Two any conduct after February 2015, because the  
3 conspiracy ended at that point.

4 MR. QUIGLEY: Judge, I don't think that's accurate.  
5 It is the law, and the jury will be instructed that conspiracy  
6 is presumed to continue -- I'm not going to get the exact  
7 language here, but until it's been affirmatively abandoned or  
8 until its ends have been carried out. And here Mr. El-Goarany  
9 continued to receive material support, or provide material  
10 support to ISIS up until his death in the fall of 2015.

11 I would also note that the Court made a number of pro  
12 defense or allowed the defense to introduce a number of  
13 exhibits on the basis that the conspiracy continued through  
14 late 2015 as evidence of the state of mind of various people  
15 during that time.

16 THE COURT: The defense request is denied.

17 MS. MIRON: Your Honor, we're concerned about the  
18 total length of the government's closing arguments, and we  
19 would ask either that the Court set a time limit of two hours  
20 for both the main and the rebuttal combined, or a 20-minute  
21 limitation on the rebuttal if Ms. Tekeei planned on two hours.  
22 Either way, it's just going to far outweigh the defense length  
23 of argument.

24 MS. TEKEEI: Your Honor, this is the morning of  
25 summations. We estimated to the Court how long the principal

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1 summation would be two days ago. And at this point we are  
2 prepared to move forward. I don't have a strict time frame, I  
3 haven't timed the principal summation. But, we have certainly  
4 tried to keep it as succinct as possible, and I know  
5 Mr. Quigley is trying to keep his rebuttal as succinct as  
6 possible.

7 THE COURT: 20 minutes sounds about right for a  
8 rebuttal. Mr. Quigley, do you have a sense as you sit here?

9 MR. QUIGLEY: I was thinking 30 but I can try to get  
10 it under.

11 THE COURT: I'm not going to grant the request. As  
12 I've indicated at the outset, I don't generally put time limits  
13 on summations. Either opening or closing arguments. And I  
14 expect that the parties will be ruled by reason and by the  
15 knowledge that part of their job is to keep the interest of the  
16 jury and make sure that the jury is paying attention, and that  
17 tends to incentivize the parties I think to be more efficient  
18 in their arguments.

19 And also it is the government's burden. The  
20 government has to prove each of these elements beyond a  
21 reasonable doubt. This is, as I mentioned on a couple of  
22 occasions, an unusual case and I think a bulky case in the way  
23 that the evidence came in. So much of it was backwards  
24 looking, social media, communications which as we all sat  
25 through was very burdensome to go through, just to get through

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1 several text messages back and forth. So I expect to hear a  
2 lot of those conversations again, and there is nothing, I don't  
3 see how the defense is prejudiced in any event.

4 But, again, we've gotten the representation it is  
5 going to be approximately two hours give or take for the  
6 government and we'll take it from there.

7 Anything else?

8 MS. MIRON: And we also renew our Rule 29 motion.

9 MR. QUIGLEY: Again, your Honor, for the same reasons  
10 we stated at the conclusion of the government's case, we think  
11 there is certainly evidence for a reasonable jury to find the  
12 defendant's guilt on each and every count of the indictment,  
13 there's significant evidence that -- frankly, very strong  
14 evidence that Samy El-Goarany joined ISIS, that the defendant  
15 assisted him in getting to Turkey and linking up with Attiya,  
16 and evidence that the defendant knew what he was doing.

17 THE COURT: The Rule 29 motion is denied.

18 MS. MIRON: One last issue, we renew our request that  
19 the summary exhibit not be given to the jury. It is the better  
20 practice not to provide the jury with a summary exhibit. It's  
21 not a comprehensive display of the evidence, the government's  
22 going to make their arguments and the jury can consider it.

23 THE COURT: Mr. Quigley.

24 MR. QUIGLEY: Your Honor, I think the Court  
25 appropriately ruled before that the summary exhibits can go

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1 back to the jury. We have gone over this a number of times.  
2 The jury is going to be instructed, get an instruction on the  
3 summary exhibits, and they will be presumed to follow that  
4 instruction.

5 THE COURT: The request is denied. Is the jury here?

6 THE DEPUTY CLERK: We're waiting on one, but I heard  
7 he's on the security line.

8 THE COURT: Okay. Ms. Tekeei, might I say this, so  
9 that I don't have to say it at various points throughout your  
10 summation. You are more soft spoken than your colleagues, and  
11 like I said, I'm not going to chain you to the podium, but if  
12 you step away from the podium, please make sure that you keep  
13 your voice up. Okay?

14 MS. TEKEEI: Yes, thank you, your Honor.

15 THE COURT: My current plan is to obviously break  
16 after the government's summation and then break for lunch after  
17 the defense summation.

18 MS. SHROFF: Sure.

19 (Jury present)

20 THE COURT: Ladies and gentlemen of the jury, good  
21 morning. Thanks as always for being so prompt.

22 As we mentioned yesterday, all of the evidence is now  
23 in, and we are at the point of the proceedings where the  
24 parties present their closing arguments or their summations.  
25 Because it is the government's burden, and it has been

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Summation - Ms. Tekeei

1 throughout this trial, to prove Mr. El Gammal's guilt beyond a  
2 reasonable doubt, the government will go first, then we'll hear  
3 from the defense, and the government will provide a rebuttal  
4 summation. With that, Ms. Tekeei.

5 MS. TEKEEI: Thank you, your Honor.

6 Good morning. He said, quote, he was, quote, with the  
7 State. The State of Iraq and the Levant. ISIS. Those are the  
8 defendant's words. You know what he did after saying those  
9 words. After he embraced jihad and ISIS. You know how he  
10 helped Samy El-Goarany join ISIS. In May of 2015, after Samy  
11 El-Goarany had successfully arrived in Syria, and began his  
12 military training with ISIS, he sent this man a message. A  
13 message that said "Everything is going according to plan."

14 That's how El-Goarany described it to the defendant.  
15 "Everything is going according to plan."

16 Today we are going to talk about that plan. What  
17 exactly the defendant did and how he did it, and why what he  
18 did violated federal laws.

19 Because, ladies and gentlemen, this wasn't all just a  
20 coincidence. It is no coincidence that the defendant supported  
21 ISIS, that El-Goarany supported ISIS, it is no coincidence that  
22 El-Goarany went to ISIS, after he met with the defendant, after  
23 he received advice from the defendant, after he met with the  
24 defendant's contact.

25 This was no coincidence. This was a plan to support



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Summation - Ms. Tekeei

1 ISIS. Because in order to succeed in its murderous mission,  
2 ISIS needs its human ammunition. Men and women who traveled to  
3 Syria willing to train, fight, and kill for ISIS.

4 But ISIS needs more than operational terrorists. ISIS  
5 needs people, like Ahmed Mohammed El Gammal, to help deliver  
6 those would-be terrorists into its hands where they fight to  
7 establish ISIS's caliphate and where they learn how to execute  
8 acts of terror across the globe, in Europe, in Asia, and right  
9 here, in the United States.

10 In the past few weeks we have presented to you  
11 overwhelming evidence of the defendant's crimes. Evidence that  
12 the defendant knowingly helped Samy El-Goarany travel from New  
13 York City to Turkey and then onward to Syria, where El-Goarany  
14 joined, trained with, and fought for ISIS.

15 There's no claim here that the defendant himself  
16 traveled to ISIS or that the defendant himself ever trained  
17 with ISIS. As we told you at the outset, the defendant played  
18 a different role, but a vital role, to support ISIS.

19 Now, let me be perfectly clear. Ahmed El Gammal was a  
20 steadfast and enthusiastic supporter of ISIS. He proudly  
21 declared that he was with ISIS. He proudly declared that  
22 beheading has a magical effect. His words. He prayed for ISIS  
23 to be victorious. He educated his friends about ISIS. He  
24 proclaimed his own desire to join ISIS. He boasted about  
25 ISIS's successes and posted videos on ISIS. He discussed with

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Summation - Ms. Tekeei

1     Samy El-Goarany ISIS, the same man who the defendant helped get  
2     to ISIS in Syria.

3             This wasn't a sharp sense of humor. These weren't  
4     words written in a provocative tone to get a reaction out of  
5     people. This is the real Ahmed El Gammal. This is who he is,  
6     and what he believes in. This is what he supported.

7             The real Ahmed El Gammal was no mere talker. His  
8     actions spoke far louder than his words. What actions? When  
9     El-Goarany made the decision to travel to join ISIS, the  
10    defendant was at his service. He met El-Goarany right here, in  
11    New York City. After he vetted El-Goarany, he put El-Goarany  
12    in touch with Attiya in Turkey. And after El-Goarany reached  
13    Turkey, the defendant helped to make sure that El-Goarany made  
14    his way to ISIS in Syria.

15            Everything you have seen, everything you have heard  
16    was part of the defendant's plan. The plan that El-Goarany and  
17    the defendant, two men, separated by almost 20 years in age and  
18    thousands of miles in distance, implement to pursue their  
19    common cause of providing support to a brutally violent  
20    terrorist organization that they both embraced. A plan  
21    designed to get El-Goarany to ISIS, and a plan to conceal how  
22    it was he got there, and who it was who helped him get there.

23            But in the end, everything did not go according to  
24    plan. You see, under their plan, the defendant and Attiya were  
25    to remain hidden in the shadows. No one was ever supposed to

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Summation - Ms. Tekeei

1 know what they did to help Samy El-Goarany get to ISIS. That's  
2 why they used code words, referring to ISIS as "the company."  
3 That was why they encrypted their communications. That was why  
4 they deleted their messages with one another, and about one  
5 another.

6 They did not plan on the fact that in August of 2015,  
7 the FBI would come knocking on the door of this man, with an  
8 arrest warrant, to arrest him for the critical role that he  
9 played in assisting El-Goarany. To arrest him for the support  
10 that he had provided to El-Goarany and to ISIS.

11 Ladies and gentlemen, in the past few weeks, you've  
12 seen and heard a lot of evidence, and many different types of  
13 evidence. The evidence has come in in bits and pieces, and  
14 often not in chronological order. This summation is my  
15 opportunity to pull it all together. To explain how the proof  
16 fits and powerfully points to one simple and inescapable  
17 conclusion: That Ahmed El Gammal is guilty of all four counts  
18 in the indictment.

19 This has been a long trial. I won't be going through  
20 with you each and every piece of evidence, because you've seen  
21 it all. You've been paying careful attention. And you'll be  
22 able to view all of the evidence when you deliberate. But in  
23 the end, the crimes this man committed are straightforward, and  
24 the evidence that proves those crimes is overwhelming.

25 The evidence is what matters in this case. The

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Summation - Ms. Tekeei

1 evidence that you have seen and heard, the evidence that proves  
2 that the defendant knew El-Goarany wanted to go to ISIS, and  
3 trained to fight for ISIS. That he agreed to help El-Goarany  
4 achieve that goal, and that by his actions, in fact, he helped  
5 El-Goarany achieve that goal. So, let's get to the evidence.

6 How did the defendant's crimes begin? Let's start  
7 with what he knew and when he knew it. The defendant is an  
8 outspoken supporter of ISIS and the caliphate on social media.  
9 He knew exactly what ISIS was, and he knew it as early as 2014.  
10 How do you know that? Because you saw what he said about ISIS  
11 and how he supported ISIS's terrorist acts. You remember those  
12 messages with his friends how he explained the formation of  
13 ISIS. What it was, and what it meant. You remember how he  
14 declared his allegiance to ISIS's jihadi ideology.

15 This is the defendant's April 25, 2014 message to his  
16 friend. What does the defendant tell his friend? I was never  
17 with the Free Syrian Army. I was with Jabhat al Nusra and now  
18 with the State. The State of Iraq and the Levant.

19 What is the State of Iraq and the Levant? The  
20 defendant knew and he explained, that is a jihadi group over  
21 there in Syria and the dirty media calls them Daesh.

22 Daesh. ISIS. A jihadi group.

23 You saw the defendant explain how he even wanted ISIS  
24 to combine forces with another terrorist group, Jabhat al  
25 Nusra, the one the defendant said he used to be with. The

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Summation - Ms. Tekeei

1 defendant knew exactly what ISIS was, and not only did he know  
2 about ISIS in April of 2014, he supported ISIS in April of 2014  
3 and throughout 2014. You learned that in June of 2014, ISIS  
4 was winning, expanding throughout Iraq and Syria. And the  
5 defendant could not contain his excitement.

6 This is the defendant's June 11, 2014 post on his  
7 Facebook page. A post about how ISIS had captured Mosul, Iraq,  
8 after a battle. A significant turning point in ISIS's campaign  
9 of terrorism, in its fight to gain new territory. You saw how  
10 the defendant cheered this development.

11 This is from Government Exhibit 100-D-T. It's in your  
12 jury binders and it shows some of the defendant's Facebook  
13 posts and content. June 11, "Allah is great. Mosul falls by  
14 the hands of the state."

15 Those were the defendant's words. "God is great.  
16 Mosul falls to ISIS." The message that he wanted to send about  
17 ISIS.

18 The defendant also made his views clear to his close  
19 friends. With those he trusted, he did not shy away from his  
20 support for ISIS and for the spread of the caliphate. Right  
21 after ISIS took Mosul, Iraq, the defendant wrote Attiya. This  
22 is the defendant's Facebook message to Attiya on June 12, 2014.  
23 "Beheading has a magical effect, Attiya. I pray to God to  
24 grant them victory and control over entire Iraq and then the  
25 Levant; then we join them in conquering Egypt, and from there

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Summation - Ms. Tekeei

1 to Jerusalem, God willing."

2 The defendant is talking about ISIS. He's talking  
3 about what ISIS does. He is praising ISIS's barbaric murders.  
4 He is telling Attiya how he wants ISIS to expand. And in fact,  
5 the defendant even criticized people who are against ISIS.

6 These are the defendant's messages to his friend on  
7 July 1st, 2014. "May God grant them victory. Who would hate  
8 the founding of the caliphate? Glory be to Allah."

9 These are the defendant's messages the same day, to  
10 Attiya. "Nothing will work with them except Daesh." How does  
11 Attiya respond? He agrees. He says "God bless."

12 The defendant was unequivocal, he wanted ISIS to take  
13 over the Middle East, and especially Egypt. Let's look at what  
14 he told another one of his friends that same day. He was  
15 talking about ISIS, and he wrote "May God grant them victory  
16 and take over Jordan, and then Saudi Arabia, then conquer Egypt  
17 after that." He also wrote, "Defeat is near, inevitably; Daesh  
18 will come and teach these people. If Daesh gets to Egypt, I  
19 will go join them, so I can torture the Egyptians and whip  
20 them."

21 He wrote "All caliphates started like this and then  
22 expanded. No caliphate came by deliberation. All by the  
23 sword. It has to be like this; we take it forcibly, not  
24 peacefully."

25 He wrote "I'd rather live in a tent under an Islamic

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1 State than in all the luxuries under an infidel state."

2 This is important. What does his friend ask him? She  
3 asks "How did America affect you like this?" She's shocked.  
4 Three question marks. How does the defendant respond? "Most  
5 people over here are like that. We are all eager for the  
6 caliphate. We have learned about the caliphate here."

7 The caliphate. Why are these messages important? Why  
8 does it matter that in July of 2014 the defendant was declaring  
9 his support for ISIS and his hope that ISIS would expand?

10 Because it tells you what he knew. That ISIS was a  
11 terrorist organization, gaining territory in Iraq and Syria, by  
12 the sword. By force. By military action.

13 It was the summer of 2014, and ISIS was gaining  
14 ground. At the same time, ISIS leader Abu Bakr Al Baghdadi  
15 made an important speech in Mosul, Iraq, declaring the  
16 formation of the caliphate and declaring himself the caliph.  
17 The leader.

18 That speech got the world's attention. No other group  
19 had announced the formation of the caliphate around that time.  
20 And again, the defendant could not contain his excitement.  
21 Neither could Attiya. Look at the messages that they exchange  
22 on July 6, 2014, about Abu Bakr Al Baghdadi's speech.

23 "Attiya: I am listening to the sermon of the caliph."  
24 The defendant: Smiley face. Smiley face.

25 What kind of supporter of ISIS was the defendant? How

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1 much of ISIS did he truly embrace? There's been some talk in  
2 this trial about sharia or Islamic law, its rules and those who  
3 live by them and those who don't live by them.

4 A word about that. There is no question that ISIS  
5 imposes sharia law in its territories, you heard testimony  
6 about that. But there is also no question that the defendant  
7 supported ISIS even if he didn't care for sharia law. You know  
8 that from his own words.

9 This is from Government Exhibit 100-E-T. The  
10 defendant's Facebook messages with one of his friends. It's  
11 also in your jury binders. The defendant writes, "Honestly,  
12 Mahmoud, I don't care about these banality, trash sharia  
13 judgments. I don't get occupied with all that. I want  
14 expansion for jihadis and that's it. What I care about is  
15 actions on the ground."

16 What type of actions on the ground? This is the  
17 defendant's profile picture posted the same day that he says he  
18 doesn't care about sharia law. The same day that he says I  
19 want expansion for jihadis and that's it. This is the  
20 defendant's message to one of his friends on July 16. "I  
21 support jihad everywhere."

22 And for his friends who are not as enthusiastic about  
23 ISIS as he was, you saw what the defendant told him. He tried  
24 to convince them to come on board and support ISIS. These are  
25 messages the defendant sent to a young woman about the same age



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1 as Samy El-Goarany who was friends with both the defendant and  
2 with El-Goarany. Government Exhibit 100-G-T. The defendant  
3 writes "What a shame. You are not with the state?" And then  
4 he sent her videos about ISIS and the caliphate. You saw those  
5 videos.

6 And he kept posting about ISIS, over and over again.  
7 This is the defendant's Facebook post touting ISIS's  
8 achievements. "God willing, the Islamic State is staying and  
9 expanding."

10 Now, why does all this matter? Why did we show you  
11 the ISIS videos the defendant shared? The ones he sent to his  
12 friends and posted on his Facebook page, the ones that were on  
13 his laptop? Why did we give you a binder full of the  
14 defendant's communications, including his statements about  
15 ISIS, and supporting ISIS?

16 Because we have to show you what he knew, and when he  
17 knew it. All of this evidence demonstrates that the defendant  
18 knew ISIS was a violent terrorist organization. He knew about  
19 the things that ISIS did. He knew where it was located, he  
20 knew how it was expanding by military action. He knew what  
21 life was like in the Islamic State. And he knew all of this  
22 when he and Samy El-Goarany, Internet friends for several  
23 years, began communicating fervently in late summer and early  
24 fall of 2015.

25 Phone calls, Facebook messages, encrypted

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1 communications, deleted messages, in-person meetings here in  
2 New York City, a flurry of communications and activity at a  
3 critical time period, when both the defendant and El-Goarany  
4 were obsessed with ISIS.

5           You learned how in the summer of 2014, Samy El-Goarany  
6 was becoming more interested in ISIS. Like the defendant, he  
7 researched ISIS, he talked about ISIS, and he supported some of  
8 the things that ISIS did. You remember those messages between  
9 the defendant and his friends, the ones during which he teaches  
10 them about ISIS, and ISIS's origins? Just like the defendant.  
11 Samy El-Goarany was teaching his friends about ISIS. You know  
12 that because you saw El-Goarany's own messages from the summer  
13 of 2014. In particular, his messages with Mustafa Tareek, a  
14 man who was also one of the defendant's friends.

15           These are El-Goarany's teachings about ISIS on  
16 August 14, 2014. "Daesh existed way before, since back in  
17 2004. They were born as a resistance group to the Americans in  
18 Iraq during their occupation. Many of them became vengeful and  
19 turned into Islamic fighters and they've helped the group  
20 become very adept at warfare. The more they conquer, the more  
21 weapons they get. They've acquired all sorts of American  
22 weaponry now and they're using these weapons in Syria to kill  
23 Assad's men."

24           El-Goarany's views about ISIS were evolving. Here is  
25 his message on August 14, the same day that he's teaching

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1 Mustafa Tareek about the origins of ISIS. Theoretically, he  
2 says, "What Daesh is doing is destroying the dictators in our  
3 region to free us from Israel and west. And that is a good  
4 thing. But the way they do it is very brutal and I fear it  
5 will alienate people."

6 Why are these messages important? In the course of  
7 these very same messages on August 14, Mustafa, a friend of  
8 both the defendant and Samy El-Goarany, tells El-Goarany "But  
9 El Jammal is so hostile in his opinions, I don't know him well  
10 anyway." To which El-Goarany responded "And for Jammal, he is  
11 a good dude but he is a little crazy sometimes, haha, I've  
12 known him for a while."

13 What opinions were so hostile? "I was just looking at  
14 the comments section that Ikhwani, bro, and I found Jammal  
15 insisting cuz he defends Daesh. The world is small and it  
16 seems Daesh grabbed the attention of the world." El-Goarany  
17 says he's confused. "Jammal was defending the Ikhwani or  
18 defending Daesh? Mustafa responds "Daesh." ISIS.

19 Ladies and gentlemen, that was on August 14, at  
20 4 o'clock. What did El-Goarany do after being told that El  
21 Jammal was defending ISIS? While this message exchange was  
22 occurring, El-Goarany contacted the defendant. How did  
23 El-Goarany want to talk to the defendant? Using Cryptocat,  
24 which you've learned was an encrypted method of communicating  
25 that El-Goarany used. He used it for different purposes, but

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1 he also used it when he wanted to talk about ISIS.

2 You remember those messages on August 14 between the  
3 defendant and El-Goarany showing them discussing how to  
4 download and use Cryptocat to keep their messages private. And  
5 you remember when that didn't work, El-Goarany asked the  
6 defendant to download Surespot, another method of encrypted  
7 communications.

8 This is Government Exhibit 1201, one of the summary  
9 charts, which are Government Exhibits 1201 through 1206, they  
10 provide you with a roadmap to understand and digest some of the  
11 evidence presented to you, and you'll be able to take them back  
12 with you during your deliberations.

13 So back to what El-Goarany writes. He writes "Add me  
14 once you set up your account." And then he provides his  
15 account name. Samyelza. This is Government Exhibit 601.  
16 Surespot records. You learned that Surespot is an app that  
17 uses end-to-end encryption technology to encrypt text messages,  
18 images, and voice messages between users to keep them hidden.  
19 This exhibit shows Samy El-Goarany's account, samyelza and  
20 defendant's account, jimmy730, exchanged 970 messages through  
21 December 1st, 2014. Encrypted messages.

22 Let's take a step back. Why were they trying to talk  
23 using encrypted communications, Cryptocat, Surespot, to hide  
24 their communications? The defendant and El-Goarany wanted to  
25 hide what they were talking about. Why? Because it was

H1O3GAM1

Summation - Ms. Tekeei

1 illegal, and they didn't want to get caught.

2 (Continued on next page)

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H1P5gam2

Summation - Ms. Tekeei

1 MS. TEKEEI: (continuing) Here, in the United States,  
2 planning to join and fight with ISIS and taking steps toward  
3 achieving that goal is illegal here in the United States. That  
4 is what they were trying to hide. That is the crime that they  
5 were committing.

6 Let's go back to this message on August 14th. Look at  
7 the time of the message when Samy El- Goarany sends the  
8 defendant his Surespot account name SamyElza. That was 4:29.  
9 What does the defendant do approximately 50 minutes later,  
10 after he and El Goarany discuss how they can talk to each other  
11 using encrypted communications? The defendant sends El Goarany  
12 this video, Government Exhibit 140. You remember this video,  
13 we are not going to play it for you again, but this is the Vice  
14 News documentary regarding life in the Islamic State, the one  
15 during which the ISIS spokesperson outlined the type of  
16 training ISIS provides. Remember, those under the age of 15 go  
17 to Shariah camp to learn about creed and religion, and those  
18 over the age of 16 attend military camp.

19 Ladies and gentlemen, you remember something else that  
20 is crucial about these communications. These messages that the  
21 defendant sent to El Goarany, that the defendant received from  
22 El Goarany? The defendant deleted them. First, he deleted  
23 only some of them. Then he deleted all of them. I'm going to  
24 talk about these deletions a little bit more later, but the  
25 important point is that you don't need to see every single

H1P5gam2

Summation - Ms. Tekeei

1 message between the defendant and Samy El- Goarany to know what  
2 they were talking about. You saw the ISIS video the defendant  
3 sent to El Goarany at the end of those messages, right when  
4 El Goarany was obsessed with ISIS himself, when he was talking  
5 about ISIS with his brother Tarek right around when El Goarany  
6 told his brother he wanted to join ISIS. You see, the  
7 defendant and El Goarany had one major thing in common: They  
8 both wanted to see ISIS expand in the Middle East. The only  
9 difference was that the defendant was happy to continue  
10 supporting ISIS while living in the luxuries of the United  
11 States while El Goarany wanted to go and fight for ISIS. And  
12 that posed the perfect opportunity for the defendant. How  
13 could he help ISIS' cause while still enjoying his American  
14 lifestyle? Here is how: Help El Goarany carry out his mission  
15 to join and fight for ISIS. And in so doing, the defendant  
16 provided material support to ISIS. He provided ISIS with Samy  
17 El- Goarany and he agreed with others, including Samy  
18 El- Goarany and Attiya, to do so.

19 Ladies and gentlemen, this is how this conspiracy  
20 began: Two ISIS supporters, one in his 40s and settled in his  
21 American lifestyle, one is his 20s and ready to fight. You  
22 know now what the defendant knew and when he knew it so let's  
23 discuss what he did and when he did it.

24 Having related that they both wanted the same thing --  
25 for ISIS to take over the Middle East -- the defendant and

H1P5gam2

Summation - Ms. Tekeei

1 El Goarany began communicating more frequently. Surespot was a  
2 favorite. Here is what you know from the defendant's and  
3 El Goarany Facebook messages. The defendant asked El Goarany  
4 to go to Surespot on September 3rd and they talked again about  
5 messaging on Surespot on September 14th.

6 You also know that the defendant and El Goarany had  
7 several phone calls and communications on September 19 and  
8 September 20. What were they talking about? The defendant's  
9 trip to New York to see El Goarany, to vet El Goarany, and to  
10 plan with El Goarany.

11 You saw the defendant's booking on U.S. Airways, the  
12 ticket he purchased less than two hours after talking to  
13 El Goarany by phone on September 20. And as you learned, on  
14 October 6 the defendant flew from Phoenix to New York City.  
15 The purpose of this trip? To meet with El Goarany and help  
16 plan how El Goarany would get to ISIS. From October 6 to  
17 October 8 the defendant and El Goarany met multiple times. You  
18 know this from the cell site records that show the two of them  
19 repeatedly together. Who was waiting at the airport for the  
20 defendant when he landed? El Goarany. Where did they go?  
21 They met that night near the defendant's hotel, a Howard  
22 Johnson Hotel in Queens. The next morning, on October 7, the  
23 defendant and El Goarany met to begin their day, again at the  
24 defendant's hotel, the Howard Johnson's. Later that same day  
25 they were together again near Central Park, a few blocks away



H1P5gam2

Summation - Ms. Tekeei

1 from where the defendant withdraws \$300 in cash from an ATM on  
2 Sixth Avenue, and they were together again on October 8 before  
3 the defendant flew back to Phoenix from JFK.

4 Why would the defendant, a 44-year-old man fly from  
5 Phoenix to New York City to meet with El Goarany, a  
6 24-year-old? The defendant wanted to meet El Goarany in  
7 person, he wanted to vet El Goarany and make sure that  
8 El Goarany wasn't going to cause any trouble. How do you know  
9 this? Because you saw the defendant and his contact in  
10 Turkey -- Attiya -- talking about it. While he was here in New  
11 York meeting with El Goarany who did the defendant contact?  
12 Attiya. You saw the defendant's Facebook messages with Attiya  
13 on October 7. Here they are:

14 The defendant: Listen. Give me your number in Turkey  
15 so my American friend can call you when he arrives. I am in  
16 New York now. Busy.

17 But the defendant didn't want to talk to Attiya about  
18 his trip using Facebook, he wanted Attiya to call him on Skype  
19 and Attiya did. He gave the defendant his phone number. Why  
20 is that number familiar? Remember the note that Teresa  
21 El Goarany found in Samy El- Goarany's backpack in November of  
22 2014 before she confronted him about his travel plans? The  
23 Howard Johnson note with Attiya's phone number on it,  
24 905060570555. The Howard Johnson notepaper from the very  
25 Howard Johnson where the defendant was staying. It's not hard

H1P5gam2

Summation - Ms. Tekeei

1 to figure out what happened. The defendant, who was staying at  
2 the Howard Johnson, gave Samy El- Goarany the contact  
3 information for Attiya, the man who was to get Samy El- Goarany  
4 into Syria with ISIS. In fact, it was the same note pad paper  
5 that El Goarany left in his room with the words one God, one  
6 path, the tawhid that you have heard about, the oneness of God  
7 phrase and sign that ISIS has twisted for its terrorist  
8 purposes.

9 How do you know that the defendant wanted to meet with  
10 El Goarany in New York to vet El Goarany before passing him off  
11 to Attiya? Because you saw what he said to Attiya on October  
12 9th after he returned from his trip to New York when he was  
13 back in Arizona. These are the defendant's and Attiya's  
14 messages on October 9th and October 10th, the days immediately  
15 after he had returned from vetting El Goarany in New York City,  
16 the ones in which they discuss Samy El- Goarany and Attiya's  
17 concern that the tourism company needed someone they knew and  
18 could trust because, "they do not want him to cause them  
19 trouble in the program."

20 The defendant tried to reassure Attiya: Don't worry,  
21 I think he knows one of the producers.

22 But that does not satisfy Attiya who responds: I  
23 mean, does he know anybody in the company or someone who knows  
24 him? I actually have a good relationship with the tourism  
25 company and they trust me. Okay. But, I need to understand

H1P5gam2

Summation - Ms. Tekeei

1 his situation from you because there are tourism agencies that  
2 send people so they would know how other companies operate and  
3 work. You do understand how companies would sneak around.

4 What does the defendant say in response to this? He  
5 is offended: Attiya, am I an idiot? Am I a jack? Or am I a  
6 moron?

7 Ladies and gentlemen, the defendant and Attiya didn't  
8 use the word ISIS, they didn't use Daesh, they didn't use  
9 Dawla, they didn't use the Islamic State or the caliphate in  
10 these messages but they didn't have to. This is obvious code.  
11 It doesn't make any sense otherwise. You know that El Goarany  
12 used the code "the company" to talk about ISIS, the same code  
13 that the defendant and Attiya used. Does he know anybody in  
14 the company?

15 And how do we know that the defendant and Attiya  
16 weren't actually talking about a tourism company? What tourism  
17 company needs somebody they know and trust because they do not  
18 want him to cause trouble in the program? Use your common  
19 sense? Not a single one. And what tourism company sends  
20 people so they would know how other companies operate and work?  
21 Not a single one. What is Attiya really worried about?  
22 Sending a spy into ISIS and getting caught. The defendant  
23 thought this was ridiculous. Attiya, am I an idiot? Am I a  
24 moron? You know that he is not but he knew exactly what he was  
25 doing and that during his visit to New York City the defendant

H1P5gam2

Summation - Ms. Tekeei

1 vetted El Goarany, he wanted to make sure that El Goarany  
2 wasn't going to cause trouble.

3 How else do you know that he wasn't talking about a  
4 real tourism company? Because you heard the testimony of Tarek  
5 El Goarany and Khalafalla Osman, Samy's friend. They both told  
6 you that "company" was code for ISIS. Tarek knew that Samy  
7 knew before he left he was going to ISIS, just like the  
8 defendant did. And Tarek testified that he and Samy agreed to  
9 call it by a code word, "the company," just like Samy did with  
10 the defendant. In other words, Tarek's testimony, Mr. Osman's  
11 testimony are how you are able to decode these messages with  
12 the defendant.

13 A word here about the defendant's statement to Attiya.  
14 Do not worry, I think he knows one of the producers.

15 First, that's also how you know they aren't talking  
16 about a tourism company, a tourism company doesn't have  
17 producers. If they were really talking about a tourism  
18 company, why the anger, why the paranoia, why the need to vet  
19 Samy El- Goarany? There is no need to be vetted to use a  
20 tourism company, this is not complicated. They are talking  
21 about ISIS but second, and more importantly, it doesn't matter  
22 if the defendant thought El Goarany knew one of the producers  
23 or someone in ISIS. What matters is that the defendant  
24 instructed Attiya to help El Goarany. He wrote: Then fine,  
25 take care of him.

H1P5gam2

Summation - Ms. Tekeei

1           The next day, on October 11th, the defendant sent  
2 El Goarany a link to Attiya's Facebook page. How did  
3 El Goarany respond? He wrote: JZK -- Jazak Allah Khair -- may  
4 God reward you with goodness. Thank you.

5           Ladies and gentlemen, let's take a few minutes here  
6 now to talk about Attiya and what he knew when the defendant  
7 put him in contact with El Goarany.

8           Who is Attiya? You know by now that Attiya is  
9 Egyptian and a long-time friend of the defendant's. You also  
10 know that Attiya was acutely aware of the defendant's support  
11 for ISIS, you saw the messages from the defendant to Attiya  
12 about ISIS. You have also heard a lot in this trial about the  
13 Muslim Brotherhood, how it was a peaceful, democratic  
14 organization. You heard about how Attiya was a Muslim  
15 Brotherhood supporter.

16           Ladies and gentlemen, Attiya may have been more  
17 aligned with the Muslim Brotherhood, he may not have. It  
18 simply does not matter. The Muslim Brotherhood is a large  
19 organization made up of thousands of people who each have their  
20 own opinions and each act on their own accord. You also know  
21 what you saw. The defendant's communications with Attiya about  
22 the Islamic State, how he discussed it with Attiya. And here  
23 is what you did not see: Attiya's flat out denouncement of  
24 ISIS, not in the fall of 2014 when the defendant and  
25 El Goarany's plan was hatched. Not only that, but Attiya spoke

H1P5gam2

Summation - Ms. Tekeei

1 with and helped the defendant. And he did this with the full  
2 knowledge of the defendant's dissatisfaction with the Muslim  
3 Brotherhood and with the full knowledge of the defendant's  
4 unambiguous support for ISIS. And he did the same for  
5 El Goarany. And in May of 2015, when it looked like people may  
6 have figured out what Attiya and the defendant had done for  
7 El Goarany and for ISIS, what did Attiya do? Did he denounce  
8 the defendant or El Goarany for being with an organization that  
9 is against Muslim Brotherhood? No. Just the opposite. He  
10 warned them and he covered for them.

11 Now, what did you see about Attiya and ISIS in the  
12 fall of 2014? Attiya boasted to the defendant about watching  
13 the ISIS leader Abu Bakr el-Baghdadi. You saw that message.  
14 And he told the defendant there was a chance he would join  
15 ISIS. Attiya wrote: There is a probability I will join the  
16 State.

17 But, most importantly, Attiya is not on trial here,  
18 the defendant is. The question for you is what the defendant  
19 knew when he knew it, and what he did. From the defendant's  
20 perspective, Attiya was an important person for El Goarany to  
21 know when he arrived in Istanbul on his way to join ISIS. So,  
22 the defendant put El Goarany in touch with Attiya.

23 Attiya's number in hand and the knowledge that someone  
24 would be able to take care of him -- the defendant's words --  
25 when he reached Istanbul on his way to ISIS in Syria, Samy

H1P5gam2

Summation - Ms. Tekeei

1 El- Goarany began preparing to leave. You learned from Tarek  
2 El Goarany that in mid-October 2014 El Goarany wanted to  
3 destroy his laptop hard drive, that he drove to a farm in  
4 Middletown, climbed into a dumpster and dumped his hard drive.  
5 Why? Because he didn't want anyone to find out about his plan  
6 to join ISIS.

7 You also learned that El Goarany purchased his ticket  
8 to Istanbul and days after meeting with the defendant,  
9 El Goarany began withdrawing cash from his bank account, a  
10 total of \$540 in cash.

11 On October 21st, the day before El Goarany purchased  
12 his first plane ticket to Istanbul, who did he talk to on  
13 Surespot? The defendant.

14 On October 22nd, the next day, El Goarany went to JFK  
15 Airport to the Turkish Airlines ticket counter and purchased  
16 his ticket in cash. This is the travel reservation from  
17 Turkish Airlines. That day El Goarany purchased a ticket for  
18 \$875, in cash, to Istanbul leaving JFK on November 6. He  
19 bought that ticket at 18:50 Zulu time, the universal time code.  
20 And who did El Goarany reach out to as soon as he had purchased  
21 the ticket? You saw these messages, he reached out to the  
22 defendant. He wrote: Surespot me whenever you get the chance  
23 today.

24 That same day the defendant told Attiya, his contact  
25 in Turkey, that El Goarany planned to arrive on November 6.

H1P5gam2

Summation - Ms. Tekeei

1 This is the defendant's message to Attiya on October 22nd, the  
2 day that El Goarany purchased his first plane ticket to  
3 Istanbul. The defendant writes: My friend will get there on  
4 November 6.

5 Attiya responds: Fine. Let him call me.

6 Five days later the defendant and Attiya discuss  
7 El Goarany's exact flight number and El Goarany's hotel  
8 information. You saw those messages from October 27. The  
9 messages that end with the defendant telling Attiya: Delete.  
10 They're all in Government Exhibit 1203, at least the ones that  
11 the defendant and Attiya failed to delete in time.

12 The defendant wrote: Please concentrate, Attiya, and  
13 delete the comments you have. Most importantly, I am not going  
14 to tell you more. Please meet him at the airport. He knows  
15 how you look.

16 So, the plan was well on its way. El Goarany had  
17 purchased his ticket, Attiya knew what he was arriving, and the  
18 defendant had taken care to try to cover his tracks by deleting  
19 some of his messages with Attiya and by talking to El Goarany  
20 on Surespot.

21 You learned that in the course of the next few weeks  
22 Samy El- Goarany changed his flight multiple times. On October  
23 29th, El Goarany went back to JFK Airport, he cancelled his  
24 ticket and he got a new one leaving JFK for Istanbul on  
25 November 24th. You know that because you saw the ticket



H1P5gam2

Summation - Ms. Tekeei

1 reservation and you also know that because you saw how the  
2 defendant told Attiya. These are the defendant's messages with  
3 Attiya on November 18: Where is the guy, Jimmie? You said on  
4 the 17th.

5 The defendant clarifies: No, I said 24. Anyways, the  
6 matter cancelled. I just found out yesterday his mother has a  
7 problem so he cancelled the travel for the time being.

8 The defendant was correct, he had just spoken with  
9 Samy El- Goarany on November 17th, you saw those phone records  
10 and of course you remember, ladies and gentlemen, hearing from  
11 Teresa El Goarany about how she found the Howard Johnson note  
12 in El Goarany's backpack, the Expedia hotel confirmation, and  
13 information about his travel plans in November of 2014.

14 When she did that the defendant and El Goarany faced  
15 an obstacle. They had not planned on Teresa El Goarany finding  
16 out about the travel plans, and you learned from Tarek that  
17 El Goarany had second thoughts, he cancelled his flight. You  
18 know that's true because the flight records confirm it.  
19 El Goarany went back to the airport on November 17th and  
20 cancelled his flight. But only a few days later, on November  
21 21st, El Goarany returned to the airport and bought his ticket;  
22 new departure date: January 27, 2015. And during that time  
23 all the way through December 1st, 2014, the defendant had 970  
24 encrypted Surespot communications with El Goarany. That was  
25 from when they first began using Surespot in August of 2014.

H1P5gam2

Summation - Ms. Tekeei

1 And you know exactly what those messages were about. The  
2 messages you saw on Facebook were just the tip of the iceberg.  
3 How do you know what they were about? Because you know what  
4 Samy El- Goarany was focused on at that time: Getting to ISIS,  
5 thinking about ISIS, learning about ISIS. And you know what  
6 the defendant's online communications and his meeting with Samy  
7 in New York, you know what those were about -- ISIS. Helping  
8 Samy get to ISIS.

9 Ladies and gentlemen, your common sense tells you that  
10 970 encrypted messages over the span of just a few months, they  
11 were about the same thing as the messages you did see but they  
12 were more explicit, they were about the defendant's plan to  
13 help Samy get to ISIS.

14 In January 2015, as El Goarany was getting closer to  
15 traveling, the defendant spoke with him multiple times by  
16 phone. You know that from the phone records. And what were  
17 they talking about? El Goarany was finally ready to go and to  
18 reach out to the defendant's contact Attiya. So, on January  
19 16, 2015, while El Goarany was in Middletown, New York, he  
20 contacted Attiya by Facebook. These are the messages that  
21 El Goarany and Attiya exchanged that day. You remember how  
22 El Goarany used the code: Career opportunity, internship. You  
23 know that was code because they never discussed a real career  
24 opportunity, they never discussed a real internship. There is  
25 no evidence that in these messages El Goarany ever sent Attiya

H1P5gam2

Summation - Ms. Tekeei

1 his resume.

2 Your common sense tells you that they were talking in  
3 code because what is the typical response when someone reaches  
4 out to another person about a career opportunity or an  
5 internship? The typical response, ladies and gentlemen, would  
6 be to ask what type of internship? What type of career  
7 opportunity? In what field? What's your area of expertise?  
8 What's your background? What's your education?

9 You don't see that here because they both know what  
10 they're talking about and they are careful not to use the words  
11 ICE or the State, or Dawla, or Daesh.

12 Looking at these messages, what do they tell you?  
13 El Goarany wanted to make sure Attiya was still in the game.  
14 He checked that he had the right phone number. He asked for  
15 help at the airport and you saw what Attiya said in response:  
16 We are at your service.

17 Ladies and gentlemen, by now you know that the plan  
18 defendant and El Goarany had was well on its way. The next  
19 step in the plan was for El Goarany to successfully get to  
20 Istanbul without being stopped. You know how El Goarany did  
21 that. He hid his true plans from members of his family, from  
22 his friends, even his brother Tarek did not know the exact day  
23 that he would be traveling. Who did know the exact day that  
24 El Goarany would be traveling? Attiya, the defendant's  
25 contact. Why? Because El Goarany needed Attiya to help him

H1P5gam2

Summation - Ms. Tekeei

1 once he landed in Istanbul. El Goarany also needed the  
2 defendant's help once he landed in Istanbul. You know that  
3 because you saw their communications, the ones that El Goarany,  
4 Attiya, and the defendant didn't delete in time to prevent law  
5 enforcement from seeing them.

6 These are El Goarany's messages to Attiya on January  
7 27th, 2015, the messages in which El Goarany gets Attiya up to  
8 speed on his last minute flight change. Who did El Goarany  
9 reach out to as soon as he landed in Istanbul? Attiya, the  
10 person the defendant put him in contact with. These are  
11 El Goarany's messages as soon as he landed in Istanbul, the  
12 ones where he tells Attiya where he is and gives Attiya his new  
13 cell phone number.

14 El Goarany, who didn't speak any Arabic, who had never  
15 traveled outside of North America on his own was relying --

16 MS. SHROFF: Objection.

17 THE COURT: Overruled.

18 MS. TEKEEI: -- on the defendant's friend, on Attiya,  
19 from the minute he Landed in Istanbul. So, they scheduled to  
20 meet at the Sultanahmet mosque for sunset prayer. And who else  
21 was the defendant reaching out to at that very same time? The  
22 defendant.

23 These are El Goarany's messages with the defendant at  
24 the same time that he is sending messages to Attiya on Facebook  
25 when he gets to Istanbul. What does he tell the defendant? We

H1P5gam2

Summation - Ms. Tekeei

1 got a bit of a situation here, bro, LOL. Attiya doesn't speak  
2 English, it has been tough for us to meet up. I am in my hotel  
3 now and we agreed to meet tomorrow for Maghrib prayer. How  
4 does the defendant respond? *Good*, he says. But, what does  
5 El Goarany want to know? He asks: Did he inform you of  
6 anything, or no? The defendant responds: No. Nada.

7 Ladies and gentlemen, what do these messages show?  
8 More of a common understanding of exactly what they were  
9 talking about without needing to spell it out. At that point  
10 El Goarany had already contacted and connected with Attiya and  
11 planned to meet with him but he had a burning question for the  
12 defendant: Did he inform you of anything? Or no.

13 The defendant wanted to be helpful. He had already  
14 helped El Goarany to get as far as Istanbul without law  
15 enforcement knowing so he began providing additional advice to  
16 El Goarany. He wrote: Google translate is a good idea. You  
17 also want to find the haydrbashaa, do some net homework, look  
18 at maps, etc., train is cheaper than buses. Longer time but  
19 more comfortable, bathroom, etc. So many bus companies.

20 And about Attiya? A bit of a cover up. The defendant  
21 wrote: He works for some TV channels, he might hook you up, do  
22 some reporting, ha ha ha ha.

23 *Ha ha ha*. The defendant was making a joke. Do some  
24 reporting? Why? Because he knew El Goarany was not there to  
25 do reporting. He knew that Istanbul was just a stop on the way

H1P5gam2

Summation - Ms. Tekeei

1 to ISIS.

2           These are Samy El- Goarany's messages to the defendant  
3 on January 28. He writes: It has been a stressful day, man,  
4 but elhamdulillah I'm happy I'm here. The sooner I can start  
5 the internship the better, you know what I mean? I wanna get  
6 close to the interview.

7           Again, more code. *You know what I mean, I want to get*  
8 *close to the interview.* Your common sense tells you that this  
9 doesn't make sense unless both people know exactly what they're  
10 talking about. *Internship? Interview? Company? ISIS?* No  
11 resume. No explicit use of what company? Because they're  
12 talking about ISIS, they know what they're talking about.

13           A few minutes later the defendant wrote back to  
14 El Goarany with instructions: You remember those instructions,  
15 how to get to the border cities between Syria and Turkey,  
16 Gaziantiep and Adana.

17           Ladies and gentlemen, this is simply devastating  
18 proof. You have heard how Gaziantiep was a major city, a  
19 popular route for foreign fighters who were seeking to get  
20 smuggled into ISIS territory, to join and fight with ISIS. Why  
21 did the defendant give El Goarany directions on how to get to  
22 Gaziantiep?

23           MS. SHROFF: Objection.

24           THE COURT: Overruled.

25           MS. TEKEEI: Because he knew El Goarany wanted to join

H1P5gam2

Summation - Ms. Tekeei

1 the company -- ISIS -- and to fight with ISIS, and he had  
2 already helped El Goarany along the way. And how did  
3 El Goarany respond to the defendant? He gave the defendant  
4 confirmation that their plan was working. He wrote: I'm in  
5 contact with someone from the company directly inside the  
6 company and he knows people here, can probably help me get  
7 there in three to four days. ISA.

8 The defendant's and El Goarany's plan was working.  
9 El Goarany had gotten in touch with someone from the company.  
10 More code. And again, common sense tells you that this doesn't  
11 make sense unless both people know exactly what they're talking  
12 about. "Company" means ISIS. And El Goarany still needed to  
13 meet up with Attiya which he did.

14 Attiya wrote: I can go to you now.

15 And they arranged to meet up. And El Goarany still  
16 needed to talk to the defendant. You saw how Attiya reached  
17 out to the defendant that same day, Government Exhibit 4-C-T.  
18 He wrote -- Attiya wrote: The man wants to talk to you.  
19 Answer, man. Are you awake or not yet?

20 Who was Attiya with when he sent this message? He was  
21 with El Goarany. The man who wanted to talk to the defendant  
22 while he was in Istanbul on his way to ISIS.

23 We know that El Goarany also reached out to his  
24 brother Tarek and that they had an encrypted conversation on  
25 PQ Chat, another encrypted app around the same time that the

H1P5gam2

Summation - Ms. Tekeei

1 defendant was communicating with El Goarany. What did they  
2 discuss? You heard from Tarek that El Goarany reported he was  
3 waiting in his hotel room to get his contact in Istanbul. And  
4 you know that the next day, on January 29th, El Goarany met up  
5 with Attiya. And on January 30th, remember what El Goarany  
6 told Tarek? His plan was to stay in Istanbul in a hotel.  
7 That's what he called it, a hotel, for a few days, and wait for  
8 contacts to get in touch with them and then they would provide  
9 transport to smuggle him into Syria. He was very vague. *He*  
10 *didn't tell me specific details about his contact, he just told*  
11 *me that he had one and that he would get in touch with him to*  
12 *proceed with his plan.*

13 Who was this contact in Turkey? It was Attiya. How  
14 do you know that? Because you saw who El Goarany reached out  
15 to as soon as he landed in Istanbul -- Attiya, and the  
16 defendant.

17 (Continued on next page)

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H1P3GAM3

Summation - Ms. Tekeei

1 MS. TEKEEI: On January 30, remember what El-Goarany  
2 told Tarek after he had met up with Attiya? El-Goarany wrote:  
3 "I'm good, man, Elhamdulillah, everything is going to plan."  
4 And he wrote "PQ chat me when you can."

5 You heard Tarek's testimony that during this second PQ  
6 chat, El-Goarany reported he had received the contact, that  
7 El-Goarany said he was being transported to a safe house. And  
8 on February 16, El-Goarany reached out to Tarek again. He  
9 wrote: "I'm sorry for not being aware about the protocol in my  
10 new company. Hours after our last PQ chat conversation, I had  
11 my phone and laptop taken from me by the company for safety  
12 reasons. They're going to give it back to me after my training  
13 is over, inshallah. Right now I'm going through the religious  
14 training which will end nine days. Then I'm gonna be enrolled  
15 in my main training course, which will take a month to  
16 complete. After that, I'll be a regular employee, and they'll  
17 give me back all of my stuff, and I can contact you 24/7 like I  
18 did before. That will probably be around the end of March to  
19 mid April."

20 What did El-Goarany mean by "the company"? We know.  
21 He meant ISIS. What was his main training course? Military  
22 training. Combat training. You heard Aaron Zelin tell you  
23 that's exactly how ISIS trains its new fighters: A period of  
24 religious training, followed by military training.

25 Samy El-Goarany was now with ISIS. He was receiving

H1P3GAM3

Summation - Ms. Tekeei

1 religious training, and about to go to military and combat  
2 training. The defendant's and his plan had worked.

3 When was the next time that anyone heard from  
4 El-Goarany? Around May 5, 2015, El-Goarany came back online,  
5 and began sending messages. By then, a lot had happened. You  
6 learned about how Mohammed El-Goarany, in a desperate attempt  
7 to find his son, traveled to Istanbul on his own and met with  
8 Attiya. And you saw how the defendant and Attiya freaked out.  
9 They tried to cover their trail. We will talk about that in a  
10 few minutes.

11 But first, significantly, you saw El-Goarany's message  
12 to the defendant on May 7, 2015, after El-Goarany had reached  
13 ISIS and was receiving religious and military training from  
14 ISIS. He wrote "Salaam alaikum ya 3 a.m. It's been a long  
15 time but I'm doing well and I just want to let you know I'm  
16 safe, and secure, and everything is going according to plan."  
17 What plan? The plan for El-Goarany to get to Syria and join  
18 ISIS. The plan for El-Goarany to train and fight with ISIS.  
19 Everything is going according to plan.

20 Those were the same words that El-Goarany used to tell  
21 his brother Tarek that he was on his way to ISIS. "Everything  
22 is going to plan."

23 And, El-Goarany promised to report back to the  
24 defendant. He wrote "When I get completely settled over the  
25 coming months, I will contact you more and let you know what's

H1P3GAM3

Summation - Ms. Tekeei

1 up at my new job. I hope everything is well with you  
2 inshallah."

3 Ladies and gentlemen, how did the defendant respond?  
4 This is important. Look at what he said and look at what he  
5 did not say. He did not say "What are you talking about? Your  
6 dad has been looking for you, he's in Turkey, you need to come  
7 back home." He did not ask about an internship or about the  
8 illegal smuggling tourism company. No. He said two words.  
9 The defendant responded with two words. "Hi Samy."

10 That's it. "Hi Samy."

11 The defendant did not need to say any more. Message  
12 received. That is because everything was going according to  
13 plan.

14 Let's talk now about what El-Goarany did when he got  
15 to ISIS. How he made certain that that very plan was going to  
16 be successful. You've heard now several times that no one  
17 heard from El-Goarany from approximately February of 2015  
18 through May of 2015. What was he doing during that time? He  
19 was carrying out the plan. This is El-Goarany's message to his  
20 brother Tarek on May 5. He wrote "All you need to know is that  
21 my training is getting more advanced than was originally  
22 planned, and that this is the righteous group."

23 El-Goarany's training was getting more advanced. He  
24 was training to fight with ISIS, and he was preparing for a  
25 battle. Combat training, more advanced military training.

H1P3GAM3

Summation - Ms. Tekeei

1 El-Goarany described for Tarek the more advanced training he  
2 expected to get before getting hit with real live job  
3 assignments. What did he mean by this? He meant more advanced  
4 military training, more advanced training exercises, and  
5 weapons training. ISIS needed to provide its fighters with  
6 this type of training because, sometimes, the fighters would be  
7 sent to or deployed on assignments in terms of combat  
8 assignments. Combat. Deployment. Battle. El-Goarany  
9 continued to explain, these are his messages to Tarek. He  
10 wrote "The most work goes down in Ramadan. Expect to see some  
11 crazy events go down." And using the code words you know to  
12 mean ISIS, El-Goarany explained "The company is new and it will  
13 grow and mature as it expands. So just have faith, pray for  
14 its employees and seek knowledge for yourself, bro."

15 Doesn't this language sound familiar? Remember the  
16 YouTube video the defendant shared on his Facebook page on  
17 August 23, 2014? The video with the title "Achievements of the  
18 Islamic State." It had a summary "God willing, the Islamic  
19 State is staying and expanding." Two violent jihadists, two  
20 ISIS supporters, two men, who wanted to see ISIS expand and  
21 grow. Each contributing in his own way to help make that  
22 happen, to provide material support.

23 Ladies and gentlemen, you also learned that on May 14,  
24 2015, the defendant reached out to El-Goarany. He asked "Is it  
25 easy to park a car into your job parking lot?" When El-Goarany

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Summation - Ms. Tekeei

1 did not respond, the defendant reached out again on May 21 with  
2 a thumbs up sign. Finally, weeks later, on July 13, El-Goarany  
3 responded. "I don't know, I need to ask my superiors at work  
4 first, inshallah, but I think it's risky because the parking  
5 lot these days is going under a lot of renovation, especially  
6 in the north side. Khair inshallah, you planning on driving  
7 any time soon?"

8 Ladies and gentlemen, look at what El-Goarany did not  
9 say. He did not say "What parking lot? Who are you talking  
10 about?" He did not say "Hey, life working for this refugee  
11 organization is great. I'm doing great work here. I would be  
12 happy to ask the coordinators of this humanitarian project to  
13 see if you can come and help too."

14 He did not say that. He did not say "I'm really  
15 helping to get a lot of refugees out working with this  
16 smuggling tourism company."

17 Instead, he uses the defendant's code words. Parking  
18 lot. Renovation. North side. He doesn't need to be explicit,  
19 because they both know exactly what it is they're talking  
20 about. ISIS. And the defendant wrote him back. "Yes, mid  
21 August inshallah. Check Facebook more often."

22 Mid August God willing, defendant wrote. But  
23 El-Goarany didn't want to have this conversation over Facebook.  
24 He wanted to talk about it on Surespot. He asked "You still on  
25 Surespot? Add me. User name AbuMuradK. I'll help you make

H1P3GAM3

Summation - Ms. Tekeei

1 your parking job easier inshallah."

2 Ladies and gentlemen, the defendant wasn't talking  
3 about actually parking a car in a real parking lot. Of course  
4 not. He lives in Arizona. He isn't bringing a car across an  
5 ocean and a continent to park it. He's talking about Syria and  
6 ISIS, and his own desire to travel to Syria to join ISIS. How  
7 do you know that? Look at El-Goarany's response. El-Goarany,  
8 who is in ISIS territory in Syria and training to fight with  
9 ISIS at that very time. He wrote "I don't know. I need to ask  
10 my superiors at work first. But I think it's risky because the  
11 parking lot these days is going under a lot of renovation,  
12 especially in the north side."

13 What did you learn from Aaron Zelin? You learned  
14 about the fighting in northern Syria in the middle of 2015  
15 right when El-Goarany was there. ISIS was engaged in military  
16 operations in northern Syria during that time. In other words,  
17 Syria, the parking lot, was under a lot of renovation.

18 Meaning the military operations, the fighting that  
19 could determine who would control that territory, in the north  
20 side. Right where that fighting was happening.

21 And how do you know that the defendant and El-Goarany  
22 weren't talking about Turkey, and the defendant's desire to go  
23 to Turkey when he said he wanted to park his car? What's north  
24 of Turkey? You can see the map. What's on the north side of  
25 Turkey? The Black Sea. No renovations there. Just water.

H1P3GAM3

Summation - Ms. Tekeei

1           And this is important. When El-Goarany was describing  
2 to the defendant the parking lot was going under a lot of  
3 renovation, especially in the north side, how did the defendant  
4 respond? Look at what he said and look at what he did not say.  
5 He didn't say "What are you talking about renovation?" He said  
6 he wanted to travel, God willing, in mid August. And then, he  
7 instructed El-Goarany, he said check Facebook more often.

8           The defendant knew exactly what El-Goarany was talking  
9 about. No questions asked.

10           Two days later, on July 16, the defendant and  
11 El-Goarany communicated again. This time, it was over  
12 WhatsApp. And this time, it was to share greetings and well  
13 wishes for Eid al-Fitr, the end of Ramadan. El-Goarany wrote  
14 to the defendant "Peace be upon you, brother, it's Samy. I'm  
15 available to be reached on WhatsApp during most days of the  
16 week here, so feel free to contact me when you have the chance.  
17 Blessed Eid I hope everything is well with you, God willing."  
18 Defendant responds, "Blessed Eid, Samy, great to hear from you.  
19 I wish you and your family happy Eid." And El-Goarany writes  
20 back. "Great to hear from you too, Pasha. Life has changed a  
21 lot for me at this new job. But I love it and I don't regret  
22 taking up the offer. Thank God."

23           What job? ISIS. What offer? The defendant's offer  
24 to put El-Goarany in touch with Attiya to help the plan to join  
25 ISIS succeed.

H1P3GAM3

Summation - Ms. Tekeei

1           "Thank God. May God reward you with goodness, you  
2 too, brother." Thank God and thank you, too, brother, for the  
3 new job, for ISIS. For the offer.

4           Look at what the defendant says and look at what he  
5 doesn't say. How does the defendant respond? He doesn't say  
6 "What job? What offer? What are you talking about?" One  
7 word. He responds with one word. "Great."

8           Ladies and gentlemen, that is accepting thanks, that  
9 is acknowledging the help that he provided. That is guilt.

10          Ladies and gentlemen, you learned that throughout the  
11 course of that summer in July and August of 2015, the  
12 defendant's and El-Goarany's plan continued to be carried out.  
13 El-Goarany continued to receive military training from and  
14 fought for ISIS. Everything kept going according to plan.

15          What was that training? You learned about it.  
16 Military training, weapons training, combat training. You  
17 learned about how El-Goarany was deployed and injured in battle  
18 fighting for ISIS. Just as he had planned with the defendant,  
19 El-Goarany fought in battle for ISIS. You learned how he  
20 justified his actions and ISIS's actions to his brother Tarek.  
21 You heard about how he sent Tarek extremist propaganda.

22          Tarek, who, at the direction of the FBI at that point  
23 was staying in contact with El-Goarany and providing  
24 information to the FBI about what El-Goarany was saying and  
25 doing while he was in ISIS.



H1P3GAM3

Summation - Ms. Tekeei

1           You saw what El-Goarany posted on his Twitter account.  
2   AbuMuradIS. That picture of himself in front of a building  
3   that had just been hit by an air strike. His index finger  
4   raised in that unforgettable symbol. The Tawhid. The oneness  
5   of God. The one ISIS took and twisted.

6           You read El-Goarany's Tweets and messages from ISIS.  
7   He wrote "I missed a lot of news since I got here. Subhan  
8   Allah the world seems more terrified of us now than they were  
9   before." He wrote "Life in Raqqa is normal for the most part,  
10   when the Ks aren't bombing us. All women in niqab, mujahideen  
11   walking everywhere." He wrote "Over two years since Egypt's  
12   military coup, approaching the second anniversary of the Rabaa  
13   massacre. In case you're wondering why I'm here today." He  
14   wrote "We are coming for you Sisi, we will not let you go."  
15   And he wrote "If they kill ours, we kill theirs. Simple."

16           Ladies and gentlemen, at the beginning of this trial,  
17   we told you that there were three parts to the defendant's and  
18   El-Goarany's plan. First, El-Goarany would travel from New  
19   York to Turkey. Done.

20           Second, El-Goarany would meet up in Turkey with Attiya  
21   who would help El-Goarany while El-Goarany was in Istanbul.  
22   And by doing so, help facilitate El-Goarany's travel from  
23   Turkey over the border into ISIS controlled territory in Syria.  
24   Done.

25           Third, El-Goarany would join ISIS. He would receive

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Summation - Ms. Tekeei

1 terrorist training from ISIS, and he would fight for ISIS.  
2 Done.

3 The plan succeeded. Everything went according to  
4 plan.

5 Ladies and gentlemen, you heard about El-Goarany's  
6 ISIS activities in the fall of 2015, he continued to train to  
7 fight, he got married, and he was deployed again. On  
8 November 23, 2015, Tarek El-Goarany received a message from Abu  
9 Adam attaching the letter from El-Goarany. The letter with  
10 different ISIS warnings listed at the top. This is a letter to  
11 be delivered by Abu Bahair, Abu Yazid, or Abu Adam.

12 "Tarek, if you're reading this, then know that I've  
13 been killed in battle and am now with our Lord inshallah.  
14 Remember what I told you. We will win this war one day, this  
15 war between iman, belief, and Kuffar, disbelief, between good  
16 and evil. This is Allah's promise to the martyrs, and know  
17 that if I'm accepted as a martyr, that Allah does not fail in  
18 his promise."

19 El-Goarany died fighting for ISIS. He died doing  
20 exactly what he and the defendant had planned.

21 Now, let's go back to May of 2015. Let's look at the  
22 steps the defendant took, that Attiya took, to conceal what  
23 they did. Back to when the defendant and Attiya learned that  
24 Mohammed El-Goarany was in Istanbul, desperately looking for  
25 his son. Let's look at the steps that the defendant took to

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Summation - Ms. Tekeei

1 hide what he did and what he knew.

2 You learned that Mohammed El-Goarany, El-Goarany's  
3 father, traveled to Istanbul in a desperate attempt to find his  
4 son. He retraced his son's steps. He stayed at the same hotel  
5 where his son stayed, he reached out to and met with Attiya  
6 just like his son had. All in an effort to find his son.

7 Ladies and gentlemen, a word here about the El-Goarany  
8 family. They sat there. They described to you how someone  
9 they loved had joined a violent terrorist organization, became  
10 a terrorist, fought for that organization, and died.

11 They grieved Samy El-Goarany's loss but they testified  
12 about his crimes, the ones he committed with the defendant and  
13 Attiya. That is significant. Defense counsel has attacked  
14 their credibility. You saw them for yourselves, they told you  
15 what they remembered, they told you what they observed.

16 Tarek El-Goarany and Mohammed El-Goarany testified in  
17 this case pursuant to non-prosecution agreements. So please  
18 keep all of this in mind, and you should scrutinize their  
19 testimony closely. When you do that, you will see that their  
20 testimony lines up with the rest of the evidence in this case.  
21 The hundreds of Facebook messages, and the communications  
22 between the defendant and El-Goarany and Attiya as they made  
23 their plan, as they executed their plan, and as they tried to  
24 cover up their plan. The actions that the defendant,  
25 El-Goarany, and Attiya took to make sure that plan was

H1P3GAM3

Summation - Ms. Tekeei

1 successful.

2 Your common sense tells you that the actions of the  
3 defendant, of El-Goarany, and of Attiya line up with what Tarek  
4 El-Goarany told you and with what Mohammed El-Goarany told you.

5 What did the defendant do in May of 2015 when he found  
6 out Mohammed El-Goarany was looking for his son in Istanbul?

7 The defendant tried to hide. He told Attiya "don't ever  
8 mention me." Those were his words. You saw the messages  
9 between Attiya and defendant on May 4, 2015. Government  
10 Exhibit 1205. You saw how in a matter of seconds, the  
11 defendant, alerted about Mohammed El-Goarany being in Istanbul,  
12 freaks out. He begins peppering Attiya with questions.

13 Mohammed El-Goarany, a father, goes to Istanbul in a desperate  
14 attempt to find his son. What does the defendant say? "Don't  
15 ever mention me. Not even my name." So Attiya tells the  
16 defendant what he wants to hear. "I will get rid of him by  
17 telling him that I don't know anything about him since January.  
18 And that I did not communicate with him at all since January.  
19 And he was a friend on Facebook, a Muslim of Egyptian descent  
20 who said he's coming to Istanbul and I wanted to help him.  
21 Afterward, I had no more communications with him." Lie, after  
22 lie, after lie.

23 How does the defendant respond? He says "Exactly.  
24 And don't ever, ever mention my name."

25 Think about that. Why would the defendant say over

H1P3GAM3

Summation - Ms. Tekeei

1 and over to Attiya don't mention my name? Because the  
2 defendant didn't want to get caught for his crime, he didn't  
3 want to be exposed. But it was too late. As you know and as  
4 the defendant learned, Mohammed El-Goarany already knew about  
5 the defendant because he had seen El-Goarany's Facebook  
6 communications with the defendant. And despite the defendant's  
7 warnings to Attiya, you don't have to meet with him, Attiya  
8 wanted to meet with Mohammed. Why? This is Attiya's message  
9 to the defendant. "No, because I do not want him to have  
10 strange thoughts." But first, Attiya needed to, quote, erase  
11 the friendship. So he unfriended the defendant on Facebook.

12 This is Government Exhibit 122-I, a page from Attiya's  
13 Facebook records showing how he removed the defendant from  
14 Facebook on May 4, 2015. The defendant and Attiya were taking  
15 affirmative steps to hide from the world what they did, and  
16 what they knew. The next day, on May 5, Attiya reported back  
17 to the defendant. Here is his message to the defendant. "I  
18 erased the friendship so he would not know that I know you."  
19 Lie after lie after lie.

20 After Attiya met up with Mohammed El-Goarany, who did  
21 he report back to dutifully? The defendant. This is Attiya's  
22 message to the defendant on May 5, 2015. "Anyways," he writes,  
23 "I covered up for you. And I told him that I don't know you  
24 and any relationship was direct with Samy." Lies.

25 How does the defendant respond? He does not say "how

H1P3GAM3

Summation - Ms. Tekeei

1 could you lie to this man who just wants to see his son. Why  
2 don't you tell him the truth." He does not say "what do you  
3 mean you covered up for me? I didn't do anything wrong."  
4 Instead, the defendant replies. He's relieved. "Okay," he  
5 says. "Okay."

6 A few minutes later, the defendant wrote to Attiya  
7 about how El-Goarany had just posted on Facebook, these are the  
8 defendant's messages, he writes. It seems that he found him in  
9 Turkey because Samy has just posted. But don't you ever get in  
10 contact with him. Maybe his father is using his account.  
11 Don't contact El-Goarany, the defendant says. In case you end  
12 up talking to his father who might be using his account.

13 Ladies and gentlemen, why all of this cover up? Why  
14 did the defendant repeatedly scold Attiya don't mention my  
15 name. Why did the defendant not try to reach out to El-Goarany  
16 or to help Mohammed find his son? What could they possibly be  
17 hiding?

18 Your common sense tells you that the defendant wanted  
19 to hide one thing: His role in helping Samy El-Goarany reach  
20 ISIS territory in Syria so El-Goarany could train and fight  
21 with ISIS. That was illegal. That was illegal right here in  
22 the United States.

23 Look at all of the messages and the flurry of activity  
24 between defendant and Attiya about Mohammed El-Goarany. You  
25 learned that after Mohammed El-Goarany first met with Attiya,

H1P3GAM3

Summation - Ms. Tekeei

1 El-Goarany reached out him, they spoke for a long time.

2 Now, ladies and gentlemen, you know, because you  
3 heard, that Mohammed El-Goarany was trying to appease Attiya.  
4 You know he was keeping the conversation going for a chance to  
5 see his son. You know that the fact that his son joined ISIS  
6 and died fighting for ISIS devastated him. You saw his emotion  
7 on the stand.

8 You saw how Attiya sent the defendant a link to the  
9 video of Mohammed El-Goarany at dinner. How did the defendant  
10 respond? "He sent me an add, can you imagine that? And  
11 frankly," the defendant writes, "frankly, Samy is a true, true,  
12 man, and noble."

13 Ladies and gentlemen, you can almost feel the sigh of  
14 relief from the defendant when he thought he was in the clear.  
15 Mohammed tried to add the defendant as a friend on Facebook.  
16 And the defendant was relieved. Again, how did he respond to  
17 Attiya? Look at what he said and look at what he didn't say.  
18 He praised Samy El-Goarany and what El-Goarany was doing.  
19 "Samy is a true, true man. Noble." Why is that important? In  
20 that very same conversation, you saw what the defendant said to  
21 Attiya. The defendant writes "Didn't Samy get a Turkish phone  
22 number?" You remember Samy telling the defendant that he got a  
23 Turkish phone number when he landed in Istanbul. Attiya writes  
24 "But he is in the Levant now." The Levant. The defendant  
25 writes "So how did he get in contact with him?"

H1P3GAM3

Summation - Ms. Tekeei

1 Ladies and gentlemen, this is important. I told you  
2 that you know the defendant is guilty because of what he said  
3 and what he did. And you also know that he's guilty because of  
4 what he did not say and what he did not do. And here is  
5 another example of that. In his message with Attiya, the  
6 defendant remembered that Samy had a Turkish phone number when  
7 he landed in Istanbul. A Turkish phone number that you  
8 wouldn't be able to use if you were in Syria. That's why he  
9 asked how did he get in contact with him? The defendant was  
10 not surprised when Attiya said he is in the Levant now. The  
11 Levant. ISIS. The Islamic State of Iraq and the Levant. The  
12 defendant did not ask "What? Where? What are you talking  
13 about?"

14 Here it is what the defendant did not say that tells  
15 you he is guilty. Because the defendant knew where Samy  
16 El-Goarany was all along. He had helped Samy get to the  
17 Levant, and that's where he expected Samy to be, no surprise,  
18 no objections, no questions beyond that. And you know what  
19 Attiya means. He is in the Levant now. ISIS.

20 Instead of asking all of those natural questions and  
21 being surprised by this, the defendant simply asks what he  
22 wanted to know originally. How could El-Goarany call his dad  
23 if El-Goarany had a Turkish phone number? And Attiya  
24 responded. Facebook.

25 And yet, it was still a delicate situation. Attiya



H1P3GAM3

Summation - Ms. Tekeei

1 reached out to the defendant again later that same day, using  
2 Tango, another app. While he was with Mohammed El-Goarany,  
3 Attiya asked if the defendant wanted to talk to Mohammed and  
4 you saw how the defendant responded. The defendant had no  
5 desire to talk to Mohammed El-Goarany. Instead, he begged  
6 Attiya to call him. "I want to talk to you in private when  
7 your situation allows it or go to any restroom."

8 The next day on May 7 El-Goarany reached back out to  
9 both the defendant and Attiya, you saw that from their Facebook  
10 communications, Government Exhibits 111-A and 113-A-T. First,  
11 El-Goarany responded to Attiya's attempts to call him. Attiya  
12 asked about when they can meet. Samy El-Goarany responded,  
13 "forgive me, brother, Internet is bad here. God willing, I  
14 still need to complete training. I can meet with you after I  
15 finish the camp." How does Attiya respond? "God willing."  
16 Look at what Attiya does not say here. He doesn't say "What  
17 camp? What training? What are you talking about?" When  
18 El-Goarany tells Attiya "I need to complete training," what  
19 does Attiya say? He says "God willing." That's because, like  
20 the defendant, Attiya knew exactly where El-Goarany was and he  
21 knew exactly what El-Goarany was doing. That is why the  
22 defendant and Attiya were trying so desperately to cover up  
23 their words, cover up their involvement with Samy El-Goarany.

24 Ladies and gentlemen, a word here about what else the  
25 defendant did to conceal his role in this conspiracy. First,

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Summation - Ms. Tekeei

1 as you've already seen, he deleted a few of his messages with  
2 El-Goarany. Then, he deleted all of his messages with  
3 El-Goarany. All of them. How do we know this? Let's talk  
4 about all of the defendant's deletions, his attempts to cover  
5 his crimes.

6 You remember the Facebook witness Ms. Chance. She  
7 testified about how users can mark their messages for deletion.  
8 She testified about how Facebook received a law enforcement  
9 preservation request for the defendant's Facebook account. She  
10 testified about how that means the defendant's Facebook account  
11 was preserved, how everything in the account was saved the way  
12 it appeared on February 23, 2015. That means all of his  
13 messages, all of his content through that date, February 23,  
14 2015, were saved. She also testified about how Facebook later  
15 received a search warrant for the defendant's Facebook account.  
16 She testified about how that means Facebook searched for the  
17 defendant's Facebook account records up to May 2015, and  
18 provided those records as they existed in June of 2015.

19 So she told you there were two sets of records for the  
20 defendant's account, records that were captured for the whole  
21 account on February of 2015, and records that were captured for  
22 the whole account in June of 2015. You saw from the  
23 February 2015 records how the defendant had deleted a few, some  
24 of his messages, some of his key messages with Samy El-Goarany  
25 that we were able to see because there were search warrants on

H1P3GAM3

Summation - Ms. Tekeei

1     Samy El-Goarany's account. You saw how the defendant deleted  
2     some of those messages before the government's preservation  
3     request to Facebook. Agent Collie testified, he told you that  
4     he looked for messages between the defendant and El-Goarany in  
5     both sets of records, February 2015 records, and the June of  
6     2015 records. He looked for them in February 2015 records and  
7     he found some. Those had been preserved.

8             THE COURT: Ms. Tekeei, we're going to take a  
9     10-minute break.

10            MS. TEKEEI: Thank you, your Honor.

11            THE COURT: Ladies and gentlemen, do not discuss the  
12     case.

13            (Jury excused)

14            THE COURT: 10 minutes, folks.

15            (Recess)

16            (Continued on next page)

H1P5gam4

Summation - Ms. Tekeei

1 (Jury present)

2 THE COURT: Everyone, please, be seated.

3 Ms. Tekeei?

4 MS. TEKEEI: Thank you, your Honor.

5 Ladies and gentlemen, before the break we were  
6 discussing the defendant's deletions of messages on his  
7 Facebook account. We were talking about the February 2015  
8 records and the June 2015 records, and we were talking about  
9 how when Agent Collie went back to look for the defendant's  
10 messages with Samy El- Goarany in the February 2015 records, he  
11 saw that some of the messages were there and some of them had  
12 been deleted. He testified about that. And then he also told  
13 you that when he went to the June 2015 records, the ones that  
14 Facebook had provided pursuant to the search warrant, all of  
15 the defendant's messages with Samy El- Goarany were gone. All  
16 of them. Not one, not two; all of them. And what do you know  
17 happened to those messages? They were deleted.

18 Ms. Chance, the Facebook witness, told you that if  
19 there were messages in the February 2015 records that were not  
20 contained in the June 2015 records, that means that the message  
21 was deleted between the time the preservation occurred on the  
22 account when the messages were retrieved in response to the  
23 search warrant.

24 And, ladies and gentlemen, in May of 2015 the  
25 defendant had deleted all of them. And the only reason that

H1P5gam4

Summation - Ms. Tekeei

1 you know about this is because of the preservation request in  
2 February and because, as you saw, there were search warrants  
3 for multiple accounts in this case -- the defendant's, Samy  
4 El- Goarany's, and Attiya's that allowed you to see some of  
5 those messages, some of the defendant's words, some of his  
6 communications with Samy El- Goarany and with Attiya. And the  
7 June records show you how he deleted all of those messages.  
8 And Government Exhibit 103 also shows you how he deleted all of  
9 his messages with Samy El- Goarany. Page, after page, after  
10 page, deleted, deleted, deleted by the user of the account, the  
11 defendant. The defendant took affirmative steps to conceal  
12 what he did and what he knew. He did not want the world to  
13 find out but he never thought that this would be revealed. And  
14 ladies and gentlemen, the defendant deleted his messages with  
15 another person around that same time, not one message, not two  
16 messages, not even a handful; he deleted almost all of his  
17 messages with who? Attiya.

18 Government Exhibit 103-A. Page, after page, after  
19 page, deleted, deleted, deleted.

20 This is about what the defendant said, what he knew,  
21 and what he did. When El Goarany confirmed that he had reached  
22 ISIS, when Mohammed El Goarany was in Istanbul trying  
23 desperately to find his son, when the heat was on what did the  
24 defendant do? He deleted all of his messages with his  
25 co-conspirators, the people who had committed the crimes with

H1P5gam4

Summation - Ms. Tekeei

1 him, with El Goarany, and with Attiya.

2 Ladies and gentlemen, you only cover up something if  
3 you have something to hide. If you knew you did something  
4 wrong, something illegal, something illegal here in the United  
5 States where he was when he did these deletions, that is why  
6 the deletions, the cover up, the encrypted communications, all  
7 of this is direct evidence, it's powerful evidence of the  
8 defendant's guilt of what he knew and what he said and what he  
9 did to help El Goarany join ISIS. And, as you learned,  
10 everything went according to plan, that is, until the defendant  
11 was arrested.

12 On August 25th, 2015, the defendant was arrested.  
13 That had not been part of their careful, drawn out plan. And,  
14 once again, the heat was on and Attiya freaked out. This time  
15 he aimed his displeasure at Samy El- Goarany. These are  
16 Attiya's messages with El Goarany on September 5th, 2015. He  
17 blames El Goarany for the defendant's arrest.

18 Attiya writes: You cause a big problem for Ahmed.

19 Samy says: How?

20 Attiya: Accused of facilitating the arrival to the  
21 State. You are the cause of the problem.

22 Samy writes: Are you certain that I am the cause? I  
23 do not know why they did not arrest him earlier if I really am  
24 the cause. I do not know why they chose to do it now. They  
25 had a lot of time to do this, I don't know why they chose now.

H1P5gam4

Summation - Ms. Tekeei

1 El Goarany asks: I do not know why they chose to do  
2 it now. He is basically asking, what took them so long?

3 Ladies and gentlemen, this is important. When  
4 El Goarany, the man the defendant helped get to Syria to join  
5 and fight with ISIS, is told by his other co-conspirator that  
6 the defendant is arrested, his first reaction is basically what  
7 took them so long? He writes: They had a lot of time to do  
8 this, I don't know why they chose now.

9 Attiya was relentless. You saw his messages to Samy  
10 El- Goarany asking El Goarany to come back to Istanbul and you  
11 saw El Goarany's response. He wrote: We can meet if you come  
12 to the State. I did not make hijrah to go back to Dar Al Kufr.  
13 This is a permanent move.

14 Samy conveys to Attiya I didn't come to ISIS to leave,  
15 I'm staying.

16 Remember what happened when Mohammed El Goarany went  
17 to Turkey to try to find his son, when he reached out to  
18 Attiya? A cover up. Attiya and the defendant talked about  
19 pretending not to know each other, they deleted messages, they  
20 panicked, and that is exactly what happened when Attiya found  
21 out the defendant had been arrested. Once he knew that the  
22 authorities were on to him and El Goarany -- these are his  
23 messages to El Goarany when they both know that the jig is up  
24 and their co-conspirator has been arrested for the crime they  
25 committed together, that the FBI is on to them and that the FBI

H1P5gam4

Summation - Ms. Tekeei

1 is monitoring them.

2 Here is what Attiya writes: Do not leave your  
3 brother, you have to tell them he had nothing to do by going to  
4 Syria.

5 Samy writes: I will, because it's true.

6 Attiya: Thumbs up sticker. You can fool your  
7 father?, Attiya writes.

8 Samy: What do you mean by fool?

9 Attiya: Defraud.

10 Samy writes: God knows.

11 Attiya says: We tell him you come to Istanbul on the  
12 condition that he helps Ahmed.

13 Fool. Defraud. That is all Attiya wanted, to fool  
14 and to defraud in order to free the defendant. Attiya, the  
15 self-identified news producer, decided El Goarany should make a  
16 video. You saw those messages.

17 Attiya: We want to record a video and publish it that  
18 says that the news published by TV liar. Do you understand?  
19 Ahmed says that the thing does not know about your trip and I  
20 also. Ahmed did not know anything about your trip. I do not  
21 know anything about your trip.

22 Lie, after lie, after lie. Attiya kept on it. He  
23 kept asking Samy El- Goarany to record a video. He even told  
24 El Goarany exactly what to say. He wrote, he says that going  
25 to Syria, result of a personal desire to have, and Ahmed had



H1P5gam4

Summation - Ms. Tekeei

1 nothing to do with it. So, El Goarany complied. You saw that  
2 video, the video that El Goarany recorded. El Goarany wrote to  
3 Attiya: Make sure this video will be used to help him.

4 I mean, this is a serious thing for me to expose  
5 myself like this. I am only doing this to help him and because  
6 it is the truth.

7 Attiya watched the video but he wasn't satisfied, he  
8 wanted a better production quality. He asked: Could it be  
9 that the camera close?

10 But even El Goarany had had enough of the coverup at  
11 this point. He told Attiya: The distance is good enough. If  
12 you want to make it closer, you can edit the video yourself.

13 You saw that video, ladies and gentlemen. Agent  
14 McNulty told you how he found it and we played it for you here  
15 and it was absurd. It was ridiculous. You heard El Goarany  
16 tell you that he was in the Islamic state and then you heard  
17 him tell you a host of lies. He said: Nobody showed me the  
18 way to get here and nobody helped me along the way to get here.

19 You know that is just not true. You know that's not  
20 just true by using your common sense. The notion that  
21 El Goarany managed to fly to Istanbul, smuggle himself across  
22 the border from Turkey into Syria when he spoke no Arabic and  
23 his only prior trip abroad by himself alone was to Canada is  
24 simply unbelievable on its face.

25 You also know that is just not true but Tarek

H1P5gam4

Summation - Ms. Tekeei

1 El Goarany told you that. Samy said, generally, that Ahmed  
2 El Gammal had helped him even though he didn't recruit or  
3 influence him. Mohammed El Goarany told you himself that  
4 Attiya himself confirmed that he told him where Samy was to go  
5 and that Samy El- Goarany had been smuggled into Syria.

6 The defense's own witness, Mr. Osman, told you that  
7 Samy said he had help. And all we need to do is look back at  
8 how the defendant and Attiya showed El Goarany the way to ISIS  
9 and helped El Goarany along the way to get to ISIS, to see the  
10 video for the guilty cover up that it is, yet another effort to  
11 cover up the defendant's crimes.

12 Ladies and gentlemen, throughout the course of this  
13 trial you've learned that the defendant, Attiya, and El Goarany  
14 attempted to cover up their crimes all along the way. They  
15 used encrypted communications, they deleted their messages,  
16 they deleted friendship, they told lies to El Goarany's father  
17 Mohammed when he went to Istanbul, all ending with this absurd  
18 video after the defendant's arrest.

19 Ladies and gentlemen, who did El Goarany consult with  
20 every step of the way on his path to join ISIS? You saw the  
21 Facebook messages, saw the phone calls, you saw the Surespot  
22 messages -- he consulted with the defendant.

23 Who did El Goarany tell about his travel plans every  
24 time he changed them? The defendant.

25 Who did El Goarany reach out to as soon as he landed

H1P5gam4

Summation - Ms. Tekeei

1 in Istanbul? The defendant's contact Attiya. Who else? The  
2 defendant.

3 Who sent El Goarany directions how to get to  
4 Gaziantep, Adana, the cities in Southern Turkey near the  
5 border between Turkey and Syria? The defendant.

6 Who did El Goarany report back to in May of 2015 when  
7 he was in ISIS and when he was training with ISIS? The  
8 defendant. *Everything is going according to plan.* And who  
9 accepted thanks from El Goarany when it was clear that  
10 everything had gone according to plan? The defendant. Jazak  
11 Allah Khair, said El Goarany. Life has changed a lot for me at  
12 this new job and I love it and I don't regret taking up the  
13 offer. Thank God. May God reward you with goodness. You too,  
14 brother.

15 Great, said the defendant. Great. He accepted that  
16 thanks, he acknowledged his help. Great.

17 Let's pause for a moment to talk about the evidence  
18 and the arguments presented by the defense during this case. I  
19 want to be totally clear here. The defendant has absolutely no  
20 burden. It is the government's burden to prove the defendant's  
21 guilt and we embrace that burden. But, when a defendant  
22 chooses to cross-examine witnesses, to make arguments, and put  
23 on witnesses of his own, you are entitled to scrutinize that  
24 evidence and test out those arguments.

25 Now, keep in mind that questions asked on

H1P5gam4

Summation - Ms. Tekeei

1 cross-examination are not evidence, only the statements of the  
2 witnesses are evidence. If you scrutinize the defense's  
3 evidence and test out the defense's arguments, you will see  
4 that such evidence and arguments ring hollow with regard to the  
5 crimes charged here.

6 MS. SHROFF: Objection, your Honor; defense argument.

7 THE COURT: Overruled.

8 MS. TEKEEI: They are, put simply, distractions.

9 MS. SHROFF: Objection, your Honor.

10 THE COURT: Overruled.

11 MS. TEKEEI: Let's just look at a couple of examples.

12 The defense has suggested that the defendant couldn't  
13 possibly be a real ISIS supporter; he smoked, he voted, he had  
14 a book by Jimmy Carter, that he traveled a lot, that he had a  
15 business, that he loves America, that he didn't recruit or  
16 radicalize anyone.

17 Ladies and gentlemen, the defendant is not on trial  
18 about how he feels about America and he is not on trial for  
19 whether he was a strict adherent to ISIS' ideology or tenets.  
20 Samy El- Goarany voted. He talked about pop culture. He  
21 talked about sports. And then he joined ISIS and he fought for  
22 ISIS.

23 Whether the defendant was a strict adherent to ISIS'  
24 tenets to Shariah law it just doesn't matter. For one, the  
25 defendant did not live in ISIS territory, he was not subject to

H1P5gam4

Summation - Ms. Tekeei

1 their rule of law; and second, you know from the defendant's  
2 own words, his own actions, he wanted to have it both ways. He  
3 wanted to live in the luxuries of America while rooting on  
4 ISIS' expansion in the Middle East.

5 And finally, the defendant is not on trial for  
6 recruiting or radicalizing El Goarany. What is important here  
7 is that the defendant is on trial for agreeing to help and for  
8 helping out El Goarany join and fight with ISIS. That is a  
9 crime. That is what he is charged with. His role was to, from  
10 a distance, pull the strings, make sure El Goarany made it to  
11 Istanbul, make sure he linked up with Attiya, make sure he knew  
12 how to get to the border. He provided a connect, a contact.  
13 He provided advice and, in doing so, he provided material  
14 support to ISIS and helped El Goarany receive military training  
15 from ISIS. Plain and simple. That's what he did, that is why  
16 he is guilty.

17 The defense has also suggested that Attiya was a  
18 member of the Muslim Brotherhood and therefore was  
19 fundamentally opposed to ISIS and would not have helped someone  
20 get to ISIS. But you know that's just not true. And it  
21 doesn't make any sense, especially not in the context of this  
22 case.

23 MS. SHROFF: Your Honor, this is a rebuttal summation  
24 at this point.

25 THE COURT: Overruled.

H1P5gam4

Summation - Ms. Tekeei

1 MS. TEKEEI: Your common sense tells you that  
2 organizations are made of people and people are not robots;  
3 people get excited, they get interested, and they can cheer for  
4 a team without needing to pledge allegiance to it. Attiya was  
5 interested in ISIS, you know that from his communications with  
6 the defendant. Attiya even toyed with joining ISIS himself.  
7 You know that from his own words. And he did those things at a  
8 crucial time period, exactly when the defendant and El Goarany  
9 were expressing their own beliefs about ISIS, their own hopes  
10 that ISIS would succeed, and exactly when they were planning  
11 El Goarany's travel to Syria to join ISIS. The timing matters.  
12 Remember what was said and remember what was not said.

13 The defendant claimed he might be a Muslim Brotherhood  
14 supporter too and that did not prevent him from posting  
15 pro-ISIS rants on his Facebook page. You learned from Mohammed  
16 El Goarany that Samy El- Goarany also supported the Muslim  
17 Brotherhood at one point. Indeed, he voted for a Muslim  
18 Brotherhood politician at one point. That did not prevent Samy  
19 El- Goarany from joining and fighting for ISIS. And, more  
20 importantly, you saw Attiya's own messages about ISIS, failing  
21 to denounce ISIS when it mattered in the summer and fall of  
22 2014 when the defendant and El Goarany were planning their  
23 crimes and were obsessed with ISIS. He said there was a  
24 probability he would join ISIS. You saw Attiya's smiley face  
25 on El Goarany's status update on May 5th, 2015, when El Goarany

H1P5gam4

Summation - Ms. Tekeei

1 resurfaced on Facebook and apologized to his friends and his  
2 family about being out of touch for so long. A smiley face.

3 You saw how on, May 7, El Goarany updated Attiya about  
4 his training and Attiya knew exactly what Samy was talking  
5 about.

6 Now, a word about Rabaa Square. You heard a lot of  
7 testimony about the violence inflicted by the Egyptian military  
8 on the Muslim Brotherhood in Rabaa Square in Cairo, Egypt. You  
9 heard how the defendant was upset about it. You heard how Samy  
10 El- Goarany was upset about it. You heard how Attiya was upset  
11 about it. And you saw how the defendant cheered for ISIS to  
12 take over Egypt, to take it back from the military. And you  
13 also saw that what had happened at Rabaa Square motivated Samy  
14 El- Goarany to join ISIS.

15 This is Samy El- Goarany's Twitter on July 4th, 2015  
16 while he is in ISIS in the heart of the caliphate. He wrote:  
17 Over two years since Egypt's military coup, approaching the  
18 second anniversary of the Rabaa massacre, in case you are  
19 wondering why I'm here today.

20 Rabaa motivated Samy to join ISIS and it motivated the  
21 defendant to help him.

22 You also heard the suggestion that the defendant  
23 couldn't have known that El Goarany wanted to join ISIS, that  
24 El Goarany lied to everyone about his plans, that only a few  
25 people knew the truth, that El Goarany changed his mind.

H1P5gam4

Summation - Ms. Tekeei

1           The defense is correct, El Goarany lied to many people  
2 about his plans. He lied to his parents, he lied to many of  
3 his friends, but the defendant was not one of the people that  
4 El Goarany lied to. To the defendant El Goarany told the  
5 truth. Why? Because he needed the defendant's help and  
6 guidance. In the defendant he found someone with a common,  
7 shared ideology; two people who knew a lot about ISIS, two  
8 people who supported ISIS, two people who wanted ISIS to  
9 expand -- their words -- expand.

10           It's no coincidence that the defendant supported ISIS,  
11 that El Goarany supported ISIS, and that El Goarany then joined  
12 and fought for ISIS.

13           Ladies and gentlemen, use your common sense. If the  
14 defendant thought El Goarany wanted to join a humanitarian  
15 organization, why the cover up? Why the need for Attiya to lie  
16 for the defendant? Why the need to never mention the  
17 defendant's name to Mohammed El Goarany? Why the deleted  
18 messages? Why the encryption? Why the code? Why would  
19 El Goarany cryptically tell the defendant everything is going  
20 according to plan? Why not discuss it openly? Because they  
21 were not talking about a humanitarian organization, they were  
22 not talking about refugees or smuggling refugees, they were  
23 talking about ISIS and how the defendant was going to help  
24 El Goarany get to ISIS, that was illegal, right here in the  
25 United States, here in the U.S. where their plan was hatched



H1P5gam4

Summation - Ms. Tekeei

1 and where they took the steps to carry out their crimes. It is  
2 a crime to provide material support to ISIS and to receive  
3 military training from ISIS and to help someone receive  
4 military training from ISIS.

5 It's also a crime to agree with someone or to help  
6 someone provide material support to ISIS. Right here, in the  
7 United States, those are crimes and it's those crimes, it's  
8 these crimes that the defendant, that El Goarany, and that  
9 Attiya needed to conceal, that they needed to cover up.

10 Based on all of the evidence that you have seen during  
11 this trial, the defendant's own words and actions, the evidence  
12 of the defendant's trip to New York and the testimony of  
13 witnesses in this case like Tarek El Goarany, you know that the  
14 evidence proves that the defendant knew that El Goarany wanted  
15 to get to ISIS, that El Goarany wanted to train to fight with  
16 ISIS, and that he agreed to help El Goarany achieve that goal  
17 and by his actions he helped El Goarany achieve that goal. It  
18 should come as no surprise then that the defendant committed  
19 numerous federal crimes when he did this.

20 Ladies and gentlemen, Counts One and Two charge the  
21 defendant with providing and conspiring to provide material  
22 support to a terrorist organization, ISIS. Count One also  
23 charges that the defendant attempted to provide material  
24 support to ISIS meaning that it doesn't matter if he was  
25 successful, as Judge Ramos will instruct you, as long as he

H1P5gam4

Summation - Ms. Tekeei

1 intended to provide the material support and took a real step  
2 to commit that crime.

3 Material support. Put simply, providing material  
4 support includes providing personnel, people. That includes  
5 other people. People, like Samy El- Goarany.

6 Conspiracy. I expect Judge Ramos will instruct you  
7 that a conspiracy, the second charge, Count Two, is an  
8 agreement or a partnership between two or more people to break  
9 the law. It is that simple, an agreement.

10 Let's talk about military-type training. Counts Three  
11 and Four charge the defendant with aiding and abetting the  
12 receipt of military-type training from ISIS and for conspiring  
13 to receive military-type training from ISIS.

14 Military-type training. Anyone familiar with ISIS,  
15 like the defendant, knows that men who join ISIS in Syria  
16 receive military training. That is the goal, to train there  
17 and fight for ISIS. That means receiving training in how to  
18 use a firearm and how to cause death and serious bodily injury  
19 and that includes helping other people receive military-type  
20 training. Here that means the training that El Goarany  
21 received from ISIS; how to use a firearm, how to fight in  
22 battle.

23 Let me say a word about aiding and abetting. I expect  
24 Judge Ramos will instruct you that a person who aids and abets  
25 a crime is just as guilty of that crime as if he committed it

H1P5gam4

Summation - Ms. Tekeei

1 himself. Here is how you know the defendant is guilty of each  
2 of the four crimes with which he is charged.

3 First, the defendant knew that ISIS was a terrorist  
4 organization and the defendant supported ISIS. He wanted to  
5 see it succeed and El Goarany supported ISIS. He, too, wanted  
6 to see it succeed. Two ISIS supporters, a common ideology, a  
7 common goal. For example, it's no coincidence that both the  
8 defendant and El Goarany became obsessed with ISIS in the  
9 summer and fall of 2014 when ISIS declared the caliphate when  
10 it was winning and expanding. You saw the defendant's posts:  
11 I am with the State. Beheadings have a magical effect. His  
12 praise for the establishment of the caliphate, that is real.  
13 Those were the defendant's words and he meant them.

14 Second. The defendant knew that El Goarany wanted to  
15 join ISIS and he agreed to help. For example, you saw their  
16 Facebook messages on August 14, the ones that the defendant and  
17 El Goarany tried to delete, some of which were fully deleted,  
18 their discussion that day of encrypted communications, all  
19 ending with one provocative and informative message, the one  
20 where the defendant sent El Goarany the news documentary on the  
21 Islamic state.

22 You also know that they were discussing ISIS because  
23 they hid their crimes. They used Surespot. Under the veil of  
24 a tourist trip, the defendant flew to New York to meet  
25 El Goarany in person. And what happened during that trip? You

H1P5gam4

Summation - Ms. Tekeei

1 saw how the defendant immediately reached out to Attiya and  
2 told Attiya about his "American friend," the one the defendant  
3 had vetted. And you saw and heard how the defendant put  
4 El Goarany and Attiya in touch with one another.

5 Third. The defendant did help El Goarany and their  
6 plan succeeded. For example, you saw how El Goarany kept him  
7 in the loop every step of the way; phone calls when he  
8 purchased and changed his flight, Surespot, text message,  
9 Facebook messages helped him all along the way. And who did  
10 El Goarany reach out to what he landed in Istanbul? The  
11 defendant. Who helped El Goarany communicate with Attiya? The  
12 defendant. Who did El Goarany try to call once he had met up  
13 with Attiya? The defendant.

14 Every one of those steps that the defendant took was  
15 enough, on its own, to make him guilty because the law does not  
16 punish just the big steps or the major actions that someone  
17 takes to support a terrorist organization or to help someone  
18 receive military training from a terrorist organization, it  
19 punishes any step.

20 MS. SHROFF: Objection.

21 MS. MIRÓN: Objection.

22 THE COURT: Overruled.

23 MS. MIRÓN: Mistates the evidence.

24 MS. TEKEEI: Big and small; providing a phone number,  
25 assisting travel, helping to translate and communicate,

H1P5gam4

Summation - Ms. Tekeei

1 traveling thousands of miles for a meeting, giving advice on  
2 where to go or how to exchange money. Every step the defendant  
3 took, every step that helped Samy join and train with ISIS is  
4 another step which made the defendant guilty of the crimes.

5 And who did El Goarany report back to once he had  
6 reached ISIS and was training with ISIS?

7 (Continued on next page)

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H1P3GAM5

Summation - Ms. Tekeei

1 MS. TEKEEI: The defendant. Everything is going  
2 according to plan. The defendant knew exactly what he was  
3 doing, he knew that it was unlawful because the only part of  
4 the plan that did not succeed is that he was caught.

5 Because he knew what he had done was illegal, he had  
6 tried to cover his tracks. Encryption, deletions, the company,  
7 pretending not to know Attiya, directing Attiya not to mention  
8 his name. All powerful proof of his knowledge and of his  
9 guilt.

10 A final word about the charges. In any conspiracy,  
11 people do different things, have different roles. In the plan  
12 to get Samy El-Goarany to Syria to join and fight with ISIS,  
13 the defendant was the facilitator, he guided and supported  
14 El-Goarany on his path to ISIS. El-Goarany went to ISIS, and  
15 fought with ISIS, but it was the defendant who paved the way  
16 for that. He provided the connection, he provided the guidance  
17 and advice, and he made sure that El-Goarany made it to Syria  
18 to train and fight with ISIS.

19 The defendant cannot run from his statements, his  
20 actions, his instructions, his advice, to Samy El-Goarany. He  
21 cannot hide behind a veil of ignorance and then pin blame on  
22 others for what he knew and what he did. Even if he didn't  
23 know every detail of the plan for El-Goarany to join ISIS, it's  
24 only because he deliberately put his head in the sand. And as  
25 I expect Judge Ramos will instruct you, willfully blinding

H1P3GAM5

Summation - Ms. Tekeei

1 yourself, consciously avoiding the facts, is illegal. It's the  
2 same as knowing the facts. It was done with a wink and a nod,  
3 if he doesn't want to get his hands too dirty. Remember all  
4 those messages he deleted and his instructions to Attiya not to  
5 mention his name.

6 You'll hear from Judge Ramos that the government must  
7 also prove that jurisdiction is proper for all of these  
8 charges. That is, that the charges have a connection to the  
9 United States. The defendant is a U.S. citizen and at least  
10 part of the crime happened here in the United States, where the  
11 defendant and El-Goarany met in person in furtherance of their  
12 crimes and communicated as they planned their crimes. The  
13 government has proven jurisdiction.

14 You will also hear from Judge Ramos that the  
15 government must prove that venue is proper, that is, that we  
16 have to prove that some act in furtherance of these crimes  
17 charged happened here, in the Southern District of New York.  
18 And you learned that El-Goarany and the defendant met here in  
19 Manhattan in October of 2014 to further their crimes. You also  
20 heard that El-Goarany was in Orange County, in the Southern  
21 District of New York, on January 16, the day that he contacted  
22 Attiya on Facebook to further their crimes. The government has  
23 proven venue.

24 Ladies and gentlemen, you have heard and have seen a  
25 lot of evidence over the course of the last two weeks. So

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Summation - Ms. Tekeei

1 let's take a step back. Look at all the evidence together, and  
2 use your common sense. The same tried and true common sense  
3 that you have developed over a lifetime of dealing with people  
4 and situations. The same good common sense that tells you when  
5 a story doesn't ring true or when a situation doesn't sound  
6 right. Take a step back and look at all these facts together,  
7 keeping your good sense in mind.

8 The evidence -- the evidence -- points to only one  
9 conclusion: That the defendant saw an opportunity to help  
10 El-Goarany travel to Syria to join ISIS and fight with ISIS,  
11 and he did what he could to make that happen. He facilitated  
12 El-Goarany's travel to Turkey, he made certain El-Goarany could  
13 get to the border, and he accepted El-Goarany's thanks after he  
14 learned that everything was going according to plan.

15 It's not easy to travel from the United States to ISIS  
16 in Syria. It's especially not easy for a 24-year-old like Samy  
17 El-Goarany, someone who had never before been outside of North  
18 America by himself, someone who didn't even speak Arabic. No  
19 matter Samy El-Goarany's dedication to ISIS's mission, and his  
20 obsession with getting to ISIS in Syria, he needed help to get  
21 there.

22 This man was that help. Ahmed El Gammal helped pave  
23 the road for Samy El-Goarany. A road that began here in New  
24 York City, went through Istanbul, Turkey, and then went into  
25 the heart of ISIS caliphate in Syria. A road that brought Samy



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1 El-Goarany to ISIS training camps, a road that brought Samy  
2 El-Goarany to the battlefield in Syria, a road that ended on  
3 that battlefield where Samy El-Goarany died, fighting shoulder  
4 to shoulder with ISIS.

5 Ladies and gentlemen, the defendant agreed to help  
6 Samy El-Goarany join and fight with ISIS. That is a crime,  
7 that is what he's charged with. He helped make sure that  
8 El-Goarany made it to Istanbul, he made sure that El-Goarany  
9 linked up with Attiya, he made sure that El-Goarany knew how to  
10 get to the border, he provided a connect, a contact, advice.  
11 And in doing all of those things, he provided material support  
12 to ISIS, and he helped El-Goarany receive military training  
13 from ISIS. Plain and simple. That is what he did. And in so  
14 doing, the defendant is guilty of each and every one of these  
15 crimes beyond a reasonable doubt. Guilty is the only verdict  
16 consistent with the evidence. That would be justice.

17 THE COURT: Thank you, Ms. Tekeei. Ladies and  
18 gentlemen, we're going to break for lunch now. I understood  
19 that your lunch has arrived. And because it is here and no one  
20 has to leave the building, it's going to be a short lunch  
21 break. Let's take 40 minutes for lunch. Please, as always, do  
22 not discuss the case.

23 (Jury excused)

24 MS. SHROFF: May we have a minute, your Honor?

25 THE COURT: Yes.

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1 MS. SHROFF: Thank you.

2 MS. MIRON: Your Honor, for the record, this main  
3 summation was two hours and 45 minutes. We explained earlier  
4 that we thought a total of two hours would be sufficient. In  
5 addition, during this main summation Ms. Tekeei referenced  
6 so-called defense arguments. Of course we have not made any  
7 argument. Opening statement is not an argument.  
8 Cross-examination is not an argument. And so, with those two  
9 factors combined, we think it would be improper for the Court  
10 to permit the government to have a rebuttal summation and we  
11 ask for that to be precluded.

12 MR. QUIGLEY: Your Honor, we think that would be  
13 completely inappropriate. As the Court noted, there is a lot  
14 of evidence in this case. Ms. Tekeei's summation laid out that  
15 evidence. It didn't waste time. It marched through that  
16 evidence. It took time to organize all the evidence in the  
17 case. There was a defense case here, although she referred to  
18 defense arguments, there was certainly themes that the defense  
19 had pursued in their case. Frankly, I think it would be  
20 inappropriate to wait when those themes were clear to wait for  
21 rebuttal to draw out those arguments and to address them. That  
22 would be sandbagging the defense. I think it was completely  
23 appropriate.

24 THE COURT: I don't know about sandbagging the  
25 defense. It is not inappropriate for the government to

H1P3GAM5

1 anticipate what the defense arguments will be on summations, so  
2 the request to preclude them from putting in rebuttal is  
3 denied. Unless there is anything else.

4 MS. SHROFF: No, thank you, your Honor. Have a nice  
5 lunch.

6 THE COURT: You too.

7 (Luncheon recess)

8 (Continued on next page)

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AFTERNOON SESSION

1:00 p.m.

MR. DeFILIPPIS: Your Honor, the government has one brief issue to front.

THE COURT: I'm ready.

MR. DeFILIPPIS: Your Honor may recall that yesterday Ms. Shroff admitted into evidence pursuant to Federal Rule 803(18), the learned treatise rule, portions of an ISIS publication. We just wanted to -- in the interest of avoiding any possible interruption of the summation, we just wanted to confirm our understanding and the Court's understanding that the defense would only be permitted to read to the jury portions of that document that were read to the expert. In other words, the document does not go back to the jury and the only portions that would be permissible to read would be those that were read to the expert.

THE COURT: That's correct.

MR. HABIB: Yes, your Honor.

MR. DeFILIPPIS: There may be no disagreement, we just wanted to confirm.

THE COURT: Let's get the jury. Ms. Shroff, are you ready?

MS. SHROFF: Mr. Habib is summing up.

THE COURT: Okay.

MS. SHROFF: Would you like me to go to the podium,

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Summation - Ms. Shroff

1 your Honor?

2 THE COURT: You need not. But keep your voice up.

3 (Jury present)

4 THE COURT: Ladies and gentlemen, at this point we  
5 will hear summation on behalf of Mr. El Gammal.

6 MS. SHROFF: May I, your Honor?

7 THE COURT: You may.

8 MS. SHROFF: Thank you.

9 Ms. Tekeei said to you this morning it is not hard to  
10 figure out what happened here. But I am telling you it is easy  
11 to get it wrong, and wrong she got it. And I'm going to try  
12 and do my best to tell you why she's wrong.

13 When you cut through all the evidence in this case,  
14 all the Facebook posts, the Tweets, the phone records, the bank  
15 records, when you cut through all of that, this case is still  
16 just exactly as Ms. Miron told you in her opening statement.  
17 This case is about three people: Jimmy Gammal, Attiya  
18 Aboualala, and Samy El-Goarany.

19 So let's start with Jimmy Gammal. Mr. Gammal was born  
20 in Egypt, and he came to the United States from Egypt, who was  
21 under a dictatorship, in search of a better and more free life.

22 He left Egypt, a country that was suffocating its  
23 citizens under a dictator's rule, and he felt at home in  
24 America. "In Europe," he said, "you remain a servant, but  
25 America makes you feel at home from day one. Nobody asks you

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Summation - Ms. Shroff

1 where you're from or says your English is this or that. They  
2 think you're an American and treat you as such from day one.  
3 No discrimination."

4 He set up home in Arizona, married a woman named  
5 Celeste. And there in Arizona, he tried to make a living and  
6 set up a business, Cars R Us. You see his home, and as you see  
7 from the photograph that the government took at the time they  
8 arrested him, so of course he had no time to set up his home,  
9 he lives in a complex, the inside of his apartment shows an  
10 average American home. Photos of the Brooklyn Bridge, a  
11 football, M&Ms.

12 He is a fan of American music, listens to Ashanti.  
13 It's not my cup of tea, but that's what he likes. He's a fan  
14 of Jimmy Carter. Again, not my cup of tea, but he likes him.

15 Jimmy Gammal is a full member of our democracy. A  
16 citizen of the United States, and he has exercised the most  
17 fundamental of rights, the right to vote. You know that  
18 because the FBI, when they arrested him, seized his voter  
19 identification card which is in evidence and you can take a  
20 look at it. A registered democrat, living in Surprise,  
21 Arizona.

22 Mr. Gammal is not shy about exercising another one of  
23 our very important rights. The right to free speech. And  
24 exercised that right he has, over and over again. "The arm  
25 groups of the organization of the Islamic State in Iraq and the

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Summation - Ms. Shroff

1 Levant, known as Daesh, have completely controlled the city of  
2 Mosul in governorate of Nineveh, hundreds of armed men  
3 controlled the second largest city in Iraq after the fifth day  
4 in fighting. Allah is great. Mosul falls by the hands of the  
5 state."

6 We guarantee that right and we guarantee that freedom,  
7 and we all know that that freedom would mean absolutely nothing  
8 unless it protected the unpopular speech as well as the  
9 popular, the wicked speech as well as the good, the abhorrent  
10 as well as the mild.

11 Now let's turn to the second person, Attiya Aboualala.  
12 He, too, is an Egyptian, a journalist, a fact completely absent  
13 from the government's main summation. No mention of the fact  
14 that this man, who opines day in and day out on the Islamic  
15 State, on the Muslim Brotherhood, on Vice videos, on violent  
16 videos, crazy videos, stupid videos, inane videos, is a  
17 journalist for al-Shaar, a TV channel run by the Muslim  
18 Brotherhood. You see, Attiya Aboualala, as you already heard,  
19 is also Egyptian. He's a journalist now living in exile in  
20 Istanbul, Turkey.

21 And you know this how? Not just from the physical  
22 evidence that the government produced, in this case, but from  
23 our fine FBI agent here.

24 "And Attiya Aboualala is a journalist in Turkey, correct?

25 "A. Yes, ma'am.

H1P3GAM5

Summation - Ms. Shroff

1 "Q. And you learned, did you not, through this investigation,  
2 that Mr. Attiya Aboualala covered the Arab Spring and the Rabaa  
3 Square protests, fair to say?"

4 And he replies, because it's true, "Yes, ma'am."

5 You see, Attiya Aboualala is a member of a political  
6 movement called the Muslim Brotherhood. The Brotherhood has  
7 been a force in Egyptian politics for decades, fighting for  
8 change through non-violent means. They look for advocacy,  
9 education, participation in the democratic process. And you've  
10 learned through this trial, and I hope it's been interesting  
11 for you, that in 2012, Egypt had its first elections. The  
12 Brotherhood won the presidency, but that happiness was very  
13 short lived for the citizens of Egypt. The Egyptian military,  
14 the same military where Mohammed El-Goarany, Samy's father,  
15 was, and in some very real ways, still is an officer, seized  
16 power in a coup.

17 When the military did that, the ordinary Egyptian  
18 protested. And when the ordinary Egyptian dared to protest in  
19 Rabaa Square, the military murdered them by the hundreds. You  
20 heard that not just from the defense witness, Dr. March, but  
21 you also heard that from the government's \$350 an hour expert,  
22 Mr. Aaron Zelin.

23 The military seized power in Egyptian, Abdel Fattah  
24 el-Sisi assumed dictatorship, and he dared those who dared to  
25 oppress him. Members of the Brotherhood were arrested, tried



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Summation - Ms. Shroff

1 in kangaroo courts and killed.

2 Attiya was not one of them. Attiya was lucky. He  
3 escaped to Turkey, he managed to get a visa, and although he  
4 was scared of being arrested by the military, when he was  
5 exiting Egypt for Turkey, he managed to escape and get out of  
6 Turkey and into -- get out of Egypt and into Turkey.

7 Once out and safe and established in Turkey, what did  
8 Attiya Aboualala do? He used his Muslim Brotherhood  
9 connections to find him work as a TV journalist. He worked for  
10 a Brotherhood channel in Istanbul called al-Shaar. He carried  
11 a bullet from Rabaa Square in his left leg, and wherever he  
12 goes, the sign of the Rabia goes with him. And there is the  
13 sign. First with President Erdogan, and of course at the lunch  
14 or dinner that the government harps on incessantly.

15 When other Egyptians, much like Mr. Attiya Aboualala,  
16 fled the military for Egypt, they reached out. Isn't that  
17 normal? That's a normal thing to do, right? Others reached  
18 out and asked Attiya to help them be settled. And you know  
19 that again from Special Agent Collie's testimony. You know  
20 that because Special Agent Collie testified that scores of  
21 people asked Attiya for help, and Attiya, when he could did, he  
22 helped the displaced, he helped find homes, schools, jobs and  
23 sometimes he didn't. He had a full-time job. Sometimes, as  
24 the agent testified, he responded to people with advice.

25 And finally, we have Mr. Samy El-Goarany. 24 years

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Summation - Ms. Shroff

1 old, in his sixth year of college, no real job, still living on  
2 his parents' dime. Unfortunately for him, always in the shadow  
3 of his older brother Khaled, and eclipsed by his younger  
4 brother, Tarek. Samy was the quintessential middle child  
5 plagued by insecurity and malaise.

6 Samy loved causes. And you've heard testimony about  
7 this. Any cause, there was never a causes that Samy didn't  
8 like. Occupy Wall Street, Black Lives Matter, Free Palestine,  
9 Syrian refugee crisis, whatever the cause was, Samy had an  
10 opinion. He was vocal online, he was stubborn and relentless  
11 in the perversity of his arguments.

12 Samy believed that he was smarter than everybody else.  
13 He believed that his opinion was always right. He invited  
14 debate, he invited argument, and the fact that he knew nothing  
15 about the subject matter that was being debated never stopped  
16 him. Samy lived on Twitter.

17 And despite all of this, Samy's personal life was  
18 stagnant. He despised his father's politics, he resented his  
19 father's criticism of his lack of achievement, he knew he would  
20 never be the oldest son, or achieve like the oldest son who had  
21 graduated from college, had a master's degree from Virginia,  
22 who worked at Deloitte, and had a lifestyle that his father  
23 approved of, and that Samy thought was far too conservative and  
24 not Islamic.

25 Nor would Samy ever be like his younger brother Tarek.

H1P3GAM5

Summation - Ms. Shroff

1 Popular, liked by the girls, and easy going.

2 Now we all have heard testimony that more than  
3 anything, what Samy wanted was a girlfriend. But no girl  
4 really wanted him back. He liked one girl named Sharos, and he  
5 tried, but she unfortunately chose to be with his friend Ali  
6 over him. And even in that world, the world of his peers, Samy  
7 failed to achieve.

8 And more than anything, what did Samy want in his  
9 life? Samy wanted purpose. He wanted to do something. He  
10 wanted to belong. And he found that, he found that in the dark  
11 corners of Twitter.

12 That, and others, led to Samy's death, and like any  
13 death for an unjust cause, it was senseless as it was tragic.  
14 And really, I agree, I agree with what we're all told to speak  
15 no ill of the dead. But this is a criminal trial. And there  
16 are certain things that must be said.

17 Samy, ladies and gentlemen of the jury, is the only  
18 terrorist in this case. It is Samy who decided to join a  
19 brutal gang of thugs and live with them in a land whose people  
20 had been enslaved. And frankly, Samy really loved it there.  
21 For him, it was bilad al Islam. Beautiful land of Islam. And  
22 you know that because he said so. He said so to his equally  
23 conflicted brother. "Bro," he says, "it is so strange living  
24 in a place like this and knowing that the rest of the world is  
25 not like this. But it's beautiful. I feel alive again here."

H1P3GAM5

Summation - Ms. Shroff

1           And when Samy talked to his brother, in and out of the  
2 bat cave, and we'll get to the bat cave in a minute, he talked  
3 about how he was happy in bilad al Islam. Women in niqab and  
4 available for marriage. He was happy in the Islamic State.  
5 There you go. "Life in Raqqah is normal for the most part,  
6 when the Ks," I think he means the Kuffars, "aren't bombing us.  
7 All women in niqab, mujahideen walking everywhere. It's a  
8 nice."

9           Let me just point your attention to the Twitter feed  
10 AbuMurad\_IS. No Tweets to Mr. Gammal from that account. Only  
11 to those in the bat cave. His brother Tarek. But we'll get to  
12 that bat cave. Keep that in mind.

13           Even in ISIS he didn't give up on arguing, lecturing,  
14 and giving sermons. To his brother he propagated ISIS  
15 propaganda, lecturing him on arcane concepts in a language that  
16 he barely spoke and got wrong all the time.

17           This is how rudimentary his understanding of the  
18 Arabic language was. Ehda, he learns from his father to say --  
19 not from Mr. Gammal, not from Attiya Aboualala, from his  
20 father -- and barraha, take it easy. This is his level of the  
21 Arabic language.

22           When he calls from ISIS, and speaks to his friend  
23 Khalafalla Osman, and you remember Khalafalla Osman, right?  
24 His friend to whom he lied and lied and lied. And he's on the  
25 phone with him, he takes a minute when he hears his fellow

H1P3GAM5

Summation - Ms. Shroff

1 comrade say they're going to the place of women. He pauses in  
2 his conversation and says make sure you bring me one of them.

3 This was the life that Samy El-Goarany craved. He  
4 married a 16-year-old-girl, aptly named Allah. He was a  
5 soldier on the wrong side, and he died utterly unrepentant.  
6 "We will win this war one day, this war between iman and  
7 Kuffar, between good and evil."

8 So what happened? What did these three people do?  
9 How do these three lives intersect to bring us all here today  
10 to this courtroom where Mr. Gammal is on trial facing four very  
11 serious charges?

12 So let's start where Samy did. Let's start with the  
13 manual called Hijrah to the State, and Twitter. You've heard  
14 ample testimony and I don't think that two experts were really  
15 much at odds about this part anyway. Both agreed that ISIS  
16 needs recruits that are willing to migrate to the caliphate to  
17 fight and die in its very disturbed war.

18 Here is the government's witness. "Now let's talk  
19 about ISIS just for a short time. ISIS puts out its own sets  
20 of rules and regulations, right?

21 "A. Yes.

22 "Q. It sets out, I don't know, it is a manual. A correct word,  
23 a manual, how to reach ISIS, is that right?

24 "A. Yes. They've released different content over time."

25 An unsolicited and truthful answer.

H1P3GAM5

Summation - Ms. Shroff

1 "And that called Hidjra, right?

2 "A. Yes.

3 "Q. There is a pamphlet they put out, Hidjra to the Islamic  
4 State. What to do."

5 Now you also heard testimony that ISIS's recruitment  
6 efforts, top notch, high quality, open, brazen and  
7 sophisticated. ISIS trolls for followers on Twitter. They  
8 have beautifully produced videos, glossy magazines, and you  
9 heard testimony about this. They put out magazines in English,  
10 French, and Spanish. And through the manuals just like this  
11 one, both Aaron Zelin and Dr. March discuss ISIS as the master  
12 recruiter.

13 Proffer Zelin testified that Hidjra to the Islamic  
14 State is a manual. It gives the interested a step-by-step set  
15 of instructions that ISIS has written out precisely for people  
16 who are interested in. And here it is. Again from the  
17 government.

18 "Q. So it tells you if you want to join ISIS this is how you  
19 should get to us, right?

20 "A. Yes.

21 "Q. And it tells you how to buy your airline ticket, correct?

22 "A. Yes.

23 "Q. It tells how to buy a round-trip ticket, right, don't buy a  
24 one-way ticket?

25 "A. Yes."

H1P3GAM5

Summation - Ms. Shroff

1           Now, Ms. Tekeei already covered this. He bought a  
2 round-trip ticket.

3 "It tells you to book on a regular airline flight, correct?

4 "A. Yes."

5           And does he? Absolutely. He books a ticket on  
6 Turkish Airlines, regular airline flight.

7 "Q. Make sure you look happy and don't looked stressed out in  
8 the airport, correct?

9 "A. Yes."

10           And you'll recall that Mr. El-Goarany is quite happy.  
11 He Tweets to his cousin Ahmed, Ahmed El-Goarany from the  
12 airplane, don't forget, that's the second man in the bat cave  
13 now. Tarek, and Ahmed El-Goarany. Only two, PQ chat, bat  
14 cave. Two phrases you never heard in that main summation. But  
15 we'll get to that. And who is the third person in that bat  
16 cave? It's Samy.

17           And of course Tarek knows when his brother is taking  
18 off, because you heard testimony that Ahmed knew. And Ahmed  
19 gets a message from Samy where Samy says "I got the window  
20 seat." And what does Ahmed do? In the bat cave, tells Tarek,  
21 you know that Samy is leaving. So when Tarek tells you he  
22 doesn't know, lie.

23           They get a chance at rebuttal. So on rebuttal if the  
24 government tries to argue that the manual put out is dated  
25 2015, please keep in mind what Professor Zelin said to you.

H1P3GAM5

Summation - Ms. Shroff

1 "Yes, that was put out in 2015 I believe."

2 "Q. And there was a prior version of that, correct?"

3 There you go. Their expert. "Yes."

4 You see, Samy didn't need more. He had it all. He  
5 had the pamphlet, and he had Twitter galore. Samy, it is  
6 important to remember, followed this manual to a T. The manual  
7 said listen and obey, and that is exactly what Samy did. In  
8 fact, the Hidjra manual says listen and obey, correct? And  
9 that is what Samy El-Goarany did. They direct you to Twitter  
10 members. He got on Twitter and he sought out ISIS members.

11 (Continued on next page)

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H1P5gam6

Summation - Ms. Shroff

1 MS. SHROFF: (Continuing) He communicated with ISIS  
2 members on Twitter, both through the Elgorhythm account and  
3 later under his Abumurad\_IS account. Here is one, and here is  
4 another, and highlighted for your review, of course, are the  
5 ISIS Twitters.

6 Now, we know of at least two of Samy El- Goarany's  
7 ISIS accounts and we also know from the testimony of Special  
8 Agent Collie that at least one account was suspended. And do  
9 you seriously doubt that Samy had more than three Twitter  
10 accounts or Twitter accounts that the FBI never found? Come  
11 on. The guy was prolific in his posting, argumentative,  
12 insightful, and those are precisely the kinds of accounts  
13 Twitter shuts down.

14 Samy trashed his Twitter accounts just as easily and  
15 just as quickly as he trashed that hard drive in a dumpster at  
16 the farm. And, of course, Samy also had Kik. Never heard  
17 "Kik" from them either. AbuGehad instead of AbuJihad? Unlike  
18 all the other apps, we have no idea whom he was talking to on  
19 Kik.

20 Now, let's go back to what Samy did. You have heard  
21 testimony that Samy and his brother Tarek, to prepare for his  
22 hijrah to the Islamic State, went shopping. Followed the  
23 manual:

24 "Q If you can get your hands on military-style boots, correct?

25 "A Yes.

H1P5gam6

Summation - Ms. Shroff

1 "Q It also tells to you bring a pair of trainers or what we  
2 call regular sneakers, correct?

3 "A Yes.

4 "Q Tells you to bring socks, correct?

5 "A Socks.

6 "Q Does it tell to you bring a bottle? It says bottle, and  
7 sports water bottle would do as well, correct?

8 "A Correct.

9 "Q Your trousers should be hard-wearing and even military  
10 grade if you can afford, correct?"

11 All correct.

12 And now you know that's precisely what Samy went and  
13 bought. You know that because that's what his brother said.  
14 Here we are, I think this is his direct testimony, direct from  
15 Ms. Tekeei, Assistant United States Attorney for the Southern  
16 District of New York prosecuting this case:

17 "Q Describe what he said about what he intended to purchase.

18 "A He intended to purchase boots -- he described them like  
19 combat-style boots, some pants, socks, and a water bottle, like  
20 a refillable water bottle, and a camel bag."

21 And, lo and behold, there he is in ISIS, happy as a  
22 clam, precisely in the same garments that the State tells him  
23 to wear. And of course you heard his mother tell you when she  
24 took the stand that he had a backpack, a sturdy backpack  
25 exactly as the manual tells him.

H1P5gam6

Summation - Ms. Shroff

1           Then Samy El- Goarany went to JFK Airport to buy his  
2 round trip ticket to Istanbul and bought it in cash. Just as  
3 he was told to do.

4           Let's find out who helped Samy El- Goarany do this,  
5 who helped Samy prepare? Tarek. Tarek helped Samy prepare.  
6 Tarek El Goarany.

7           Now let's just pause for a moment and talk about Tarek  
8 El Goarany. Tarek knew exactly what his brother Samy was doing  
9 and he helped him every step of the way. What crimes does this  
10 man commit? He committed at least five and you know that  
11 because the same people that put him on the witness stand are  
12 the same people who are going to judge his truthfulness and are  
13 the same people who give him not only a get-out-of-jail-free  
14 card, they give him a card that is so much better. The card  
15 they gave Tarek El Goarany is not even a get-out-of-jail-free  
16 card, it is not even a don't-even-worry-about-jail card, it is  
17 a you-never-have-to-think-about-worrying-about-going-to-jail  
18 card. Imagine that.

19           So, not only are they not going to prosecute him, he  
20 doesn't even have to worry about being prosecuted.

21           MS. TEKEEI: Objection.

22           THE COURT: Overruled.

23           MS. SHROFF: Right? For five different crimes and  
24 here they are, all laid out for you. If you have any doubt as  
25 to what he did, when you go back to that jury room, you ask for

H1P5gam6

Summation - Ms. Shroff

1 that exhibit, Government Exhibit 1012, an exhibit they never  
2 used in their summation.

3 That's what he does. It is Tarek that drives with  
4 Samy to buy the gear ISIS tells him to buy. It is Tarek that  
5 goes with his brother to JFK to buy that plane ticket. The two  
6 brothers get on a subway in Queens, metro card purchased, they  
7 get on the train, and then, after that train ride is over, they  
8 get off at the airport, much like you and me get off, buy a \$5  
9 AirTrain card, get on another train. Why Tarek tells you does  
10 he go? Because he wants to spend time with his brother, the  
11 brother about whom he is so conflicted, and the brother is off  
12 to the Islamic State.

13 He rides with him, he goes with him, waits with him  
14 while he buys his airline ticket to Turkish airlines and not  
15 once through this entire ride, and it is a fairly long ride,  
16 does Tarek ever say, I'm out. Not once. Hangs in there with  
17 his brother, always in that bat cave.

18 He waits. I will take him at his word. He said, you  
19 know what? He bought his ticket, I sat on the side. Okay.  
20 Fair enough. I don't know why he needed immunity if that's  
21 what he did, but okay. That's what Tarek testified to.

22 What else did Tarek help do? Tarek goes with his  
23 brother when his brother destroys that hard drive, dumps the  
24 hard drive in the computer. And why does Samy get rid of that  
25 hard drive? The government wants you to believe somehow or the

H1P5gam6

Summation - Ms. Shroff

1 other, with evidence in the record whatsoever, that what is in  
2 that hard drive or on that hard drive somehow or the other  
3 implicates Mr. El-Gammal. There is no evidence in the record  
4 of that at all.

5 Let's see what Mr. Tarek El Goarany says because he  
6 testified that the reason Samy wanted that destroyed is because  
7 he didn't want anyone to find out the information stored on the  
8 hard drive.

9 So, what does Tarek tell us?

10 We were on our way to a friend's house and Samy  
11 approached me and said we need to make a stop before we go to  
12 our friend's house. He said I need to get rid of my hard drive  
13 from my laptop. And when I asked him why, what was on there  
14 that he needed to get rid of, he told me that they -- there  
15 were files on there that needed -- that he didn't want to -- I  
16 don't know if he wanted to get rid of them, to dispose of them  
17 so that no one could know any plans about his trip.

18 And what do they do after they get into the car to do  
19 the dump? Tarek says Samy El- Goarany gets out of the car,  
20 jumps inside the dumpster, smashes the hard drive, jumps back  
21 out and gets in the car and, lo and behold, the two brothers go  
22 to their friends' house for the party.

23 What else does Tarek do? Knowing that his brother is  
24 being investigated by the FBI, knowing that they are looking  
25 into his brother's ungodly alliance with ISIS, what does he do?

H1P5gam6

Summation - Ms. Shroff

1 He destroys evidence. He destroys evidence because he doesn't  
2 want his brother to end up in jail and because he is worried  
3 now that he is going to end up in jail, a worry that he need  
4 not have had because, remember, he has that really good card  
5 that they gave him.

6 For months at a time Tarek El Goarany lied about where  
7 Samy was. Lied. He lied during the time that would have  
8 allowed the FBI, that would have allowed his parents to  
9 actually reach Samy. Talk about providing material support to  
10 the Islamic State. What exactly does Tarek El Goarany do? He  
11 makes sure -- makes sure -- that Samy El- Goarany gets to Dawla  
12 al Islamiyya because, as he testified, it is, after all, his  
13 life and he has a right to happiness. Tarek made that happen,  
14 not Mr. El-Gammal. It is Tarek who bought him time so that he  
15 could become the mujaheddin he had always craved to become.

16 You know, it is a rational question. Why would Tarek  
17 do all of that? He told you. We asked him the question on  
18 cross and we asked him to explain and he said: Well, I did it  
19 for a lot of reasons, and continually speaking to him, to Samy,  
20 were one of those reasons.

21 He is asked again: Weren't all of those reasons  
22 personal, having to do with your brother? He says no. And  
23 then I asked him, did somehow or the other sending your brother  
24 to the Islamic State have to do with the larger good? Was it  
25 good for society for you to have helped him? No, right? I

H1P5gam6

Summation - Ms. Shroff

1 mean, I feed him the answer. No. I mean, anybody would say  
2 no. And remember, he pauses. He sits in that witness stand  
3 and he pauses and says: I don't know. That pause, to me,  
4 seemed like an eternity, and I suspect that some of you in this  
5 courtroom was thinking what I was thinking, why did it take him  
6 so long to answer? And what does "I don't know" mean? I don't  
7 know if sending Samy to ISIS was for the greater good, he said.

8 What is happening to Tarek El Goarany? How do these  
9 very prosecutors see fit to punish him? Well, they gave him a  
10 no prosecution agreement, they are both his judge and his jury.

11 So, with the help of Tarek, the mother who asks no  
12 questions finds a ticket, finds a lot of stuff in his backpack  
13 but does nothing, Samy's plan is taking shape. And, please,  
14 let's focus, even on the agent may through this here, only two  
15 people know the truth, Tarek El Goarany and Ahmed El Goarany.  
16 These are the people that know the truth, these are the two who  
17 are in the bat cave with Samy, these are the people on PQ Chat.  
18 All of those hours and hours of Facebook posts and nothing  
19 about PQ Chat. To the bat cave. That's PQ Chat and that's  
20 where Samy hatches his plan, that's where Samy tells the truth  
21 and that's where the other people on the outside have zero  
22 access.

23 Ahmed El Goarany, zero access to PQ Chat with Samy  
24 El- Goarany. Do you know who else has zero access on PQ Chat  
25 with him? Khalafalla Osman. Why? Because his last name is

H1P5gam6

Summation - Ms. Shroff

1 Osman, not El Goarany.

2 So, Samy discusses his plan only with whom? His  
3 brother and his cousin. You heard not a word about that cousin  
4 from that two and a half hour direct, by the way.

5 Samy comes up with a plan. He has to come up with a  
6 plan, right? He wants to leave. People are going to wonder  
7 where is Samy? Where has he taken off to?

8 So, Samy decides he is going to share his plan and he  
9 begins by entangling his friends and his family in his lives.

10 Remember that young lawyer who testified, Mr. Rameez  
11 Farooqi? He downloaded an encryption program that Samy asked  
12 for, right? He was a friend, Samy asked him to do that, and he  
13 did. The program was called Cryptocat. Samy asked him to  
14 download the program Cryptocat, got it. What should I tell the  
15 fellas of they ask? -- I think he means if, if they ask -- just  
16 say I got an internship.

17 That's the plan he tells Rameez Farooqi. Now, Samy at  
18 some point must have decided that that short of a time frame  
19 would not do for him. He needed a plan that covered a longer  
20 disappearance period than he anticipated. So, he comes up with  
21 another plan and that plan you heard of from Khalafalla Osman,  
22 his best friend, his sadiq, the boy who was a good friend to  
23 him, to Samy, and to whom Samy El- Goarany lied repeatedly --  
24 lied, lied, lied.

25 What did Samy tell his best friend Khalafalla Osman?



H1P5gam6

Summation - Ms. Shroff

1 And, what did he say exactly that he was going to do in Turkey?

2 "A He was going to work with an organization that would help  
3 bring Syrian refugees into Turkey.

4 "Q From where?

5 "A From Syria.

6 "Q Now, did he tell you whether or not -- what kind of an  
7 organization, did he describe it at all?

8 "A As a humanitarian organization. It was humanitarian work."

9 And he clarifies when I asked him, did you ask him,  
10 your best friend, Samy El- Goarany, any follow-up questions  
11 about that? Mr. Osman says yes.

12 "Q What questions did you ask him?

13 "A The first question I asked him, Mr. Osman says, I asked him  
14 was it illegal.

15 "Q And what did he say?

16 "A He said yes.

17 "Q And what was your next question to him?

18 "A I said, is it nonviolent?

19 "Q And what did Samy El- Goarany say?

20 "A He said yes.

21 "Q So Samy El- Goarany said that he was going to do  
22 humanitarian work which was illegal and not violent?

23 "A Yes."

24 Another plan, go further.

25 Now let's talk a little bit about Khalafalla Osman.

H1P5gam6

Summation - Ms. Shroff

1 Unlike Samy El- Goarany, Khalafalla Osman is a serious student  
2 and a scholar. He is not going to take six years and not  
3 graduate from college. He believed his friend. He is not  
4 stupid, he is not dumb, he is not consciously avoiding any  
5 knowledge. He is taking exactly what his friend tells him at  
6 face value. That's what he does. And you know why? Because  
7 Khalafalla Osman knew a lot of things about Samy El- Goarany  
8 that other people also knew.

9 Khalafalla Osman knew that Samy was into causes.  
10 Khalafalla Osman knew that Samy gave money to charities that  
11 supported the Syrian refugee fund and here we are. Here are  
12 all of his donations, take a look, and of course you can always  
13 ask for Defendant's Exhibit 801 and 804. If you can just look  
14 down where it is highlighted in yellow? Syrian Association of  
15 Ottawa.

16 Now, how else do we know that the Syrian refugees were  
17 a constant theme for Samy? Well, he talked about them  
18 constantly on Facebook, he tweeted about them. And let's just  
19 stay with this one for a minute: There is only two things the  
20 U.S. can do to help the people of Syria, Iraq, or any other  
21 conflict zone in the world and that is: 1) to completely  
22 withdraw from these countries and never come back; 2) to accept  
23 all the refugees who have been forced to flee from the  
24 violence.

25 Sounds like a humanitarian man to me. And of course

H1P5gam6

Summation - Ms. Shroff

1 you all know that Samy's lie to Khalafalla Osman and of course  
2 to Mr. El-Gammal worked. The lie worked because this was based  
3 in truth. This is a man who always talked about Syrian  
4 refugees.

5 And I want to just harp on this for just one more  
6 second, okay? Take a look here. 2011, 2012, 2013, 2014, 2015,  
7 all the way through, these are all of Samy El- Goarany's public  
8 social media posts about the Syrian refugees and the Syrian  
9 conflict. I also want you to focus on one other thing. I want  
10 you to bear in mind how often Khalafalla Osman and Samy  
11 El- Goarany spoke. Here highlighted are Khalafalla Osman's  
12 phone number. This is Government Exhibit 501, ask for it if  
13 you want to read it more carefully. You will see that they  
14 talked on the phone, they talked in text, they are on Google  
15 chat, they talk incessantly and they talk incessantly about all  
16 kinds of issues including the Syrian refugee problem. There  
17 are hundreds if not thousands of texts exchanged between these  
18 two people. From June 2015 until Samy leaves in January of  
19 2015, they are in constant contact including on days that the  
20 government says Samy is being launched into Syria by Mr. Ahmed  
21 El Gammal. Well, they've changed their stories a little bit.  
22 Mr. DeFilippis said that the purpose of the trip was to help  
23 Samy El- Goarany launch into ISIS. Ms. Tekeei now has veered  
24 off into the concept of vetting. We will talk about vetting in  
25 a minute.

H1P5gam6

Summation - Ms. Shroff

1 But, I want to focus you that even on the days that he  
2 is with Mr. Ahmed El Gammal in New York, very busy planning his  
3 trip to the Islamic State, October 6 to October 8th and all the  
4 way to January 16, he is also in contact with Khalafalla Osman.  
5 They are also on Surespot. And Mr. Osman and very credibly --  
6 and, listen, credibility is always an issue. What, how a  
7 witness tells his testimony from that stand is -- and Judge  
8 Ramos will tell you I'm right -- it is entirely proper to test  
9 a witness' credibility not just by the defense lawyer but by  
10 every member of the jury and I encourage you to do so.

11 And I ask you to keep in mind what Khalafalla Osman  
12 said to you under oath, a man who had no reason to lie  
13 whatsoever. He told you that Samy was going to work for an  
14 organization that would bring Syrian refugees into Turkey,  
15 illegal work, nonviolent, and humanitarian.

16 Who else said that to you? Teresa El Goarany. I want  
17 to come back to here because she was even more specific. He  
18 told her he was going to work out of a tent handing out medical  
19 supplies. They didn't like that answer so they tried to ask  
20 Mrs. El Goarany if he had any medical training which really was  
21 not the subject of her testimony at all. And on recross she  
22 clearly and candidly said my son told me I was going to go do  
23 humanitarian work.

24 Now, who else was deceived by this lie, the plan that  
25 Samy floated to others? Mr. El-Gammal.

H1P5gam6

Summation - Ms. Shroff

1           Now, let's just talk about how Mr. El-Gammal and Samy  
2 met. Samy and Mr. El-Gammal met online. Nowadays you meet  
3 everybody from your roommate to your lover, you meet them  
4 online. It is an anonymous way to meet, you can't tell who it  
5 is that you are chatting with when you first meet. You don't  
6 know. You don't know half the time how old they are, whether  
7 they are rich, poor. Who knows. It is a Twitter handle or a  
8 Facebook name or could be anybody.

9           And you have heard -- you have heard that Samy had  
10 skills online and Mr. El-Gammal, frankly, did not have the  
11 similar skills and you can tell just by comparing their posts.  
12 Samy was much smarter, his arguments were much more polished,  
13 he had quite the following on Twitter. He debated others on  
14 Facebook, he debated others on Twitter. He took on people who  
15 were highly qualified and engaged in argument with them even  
16 though he knew nothing and yet he prevailed. He wrote lyrics  
17 and he was relentless -- he was relentless in pushing his plan,  
18 his position, and his arguments. And he was good at it.

19           Now, I just want to take a minute here because in  
20 their summation in the main Ms. Tekeei talked about an August  
21 14th, 2014 conversation and that conversation is between  
22 somebody named J-A-M-M-A-L, where Mustafa Tarek was saying that  
23 Jammal was praising Daesh on Facebook. She talked about that.  
24 That conversation, the prosecution claims, prompted Samy to  
25 contact Mr. El-Gammal, that's their argument.

H1P5gam6

Summation - Ms. Shroff

1 I want to take a moment to remind you of Judge Ramos'  
2 instruction when that testimony came in: Those statements are  
3 not being offered for the truth and there is absolutely no  
4 evidence in the record that it is Mr. El-Gammal who made those  
5 statements. It is not Ahmed El Gammal.

6 Go back to his name on Kik. Gehad, Egyptian, it is a  
7 G sound, not J sound. Not Jammal, Gamal. When it is the  
8 Egyptian talking, Egyptian over there, Ga-, Gehad.

9 It is not Mr. El-Gammal who makes those statements.

10 Go through the Facebook returns, go through them all.  
11 There is no time Mr. El-Gammal pronounces or spells his name as  
12 Jammal.

13 Samy and Jimmie talk, Samy tries to get Jimmie  
14 El Gammal on Cryptocat just like he did Rameez Farooqi and  
15 Khalafalla Osman. It is quite funny, actually. He has no clue  
16 how that works.

17 And here is Samy El- Goarany, the master of the app  
18 download, right, and their argument is that somehow the  
19 evidence of Mr. El-Gammal providing him material support is by  
20 telling him how to download Google translate. We will get to  
21 that.

22 Salam, bro, you know what Cryptocat is?

23 Jamie Gammal: What it means?

24 Glenn Greenwald used it when he was in Hong Kong to  
25 keep his messages with Edward Snowden in private.

H1P5gam6

Summation - Ms. Shroff

1           Mr. El-Gammal says: What should I do? On my ? ???  
2           How do connect? How can I add you?

3           I guess Mr. El- Goarany says, okay, try a different  
4           program from your phone. It is just as good. Go to app store  
5           and download Surespot. When you search for it you'll find an  
6           icon with a blue circle and a line in the middle. Download  
7           that one.

8           And what does that 44-year-old man who can't get his  
9           fingers around the app do? Do not what to do here, he says.

10          Now, if this is their clandestine place to speak,  
11          Surespot, if this is where they're going to do their illegal  
12          shenanigans, let me tell you it is very stupid to be on  
13          Facebook and say download Surespot so that we can hide from the  
14          FBI. Okay? They may stand up in rebuttal and say, hey, he is  
15          a criminal but he could be a stupid criminal but Samy  
16          El- Goarany is not stupid, right? Samy El- Goarany you know is  
17          a conniving, smart boy. He is also a boy a little obsessed  
18          with apps; Surespot, Cryptocat, Kik, Twitter. No wonder he  
19          didn't graduate college. But, any who, let's go back to  
20          Cryptocat.

21          They try again. Mr. El-Gammal has no idea how to do  
22          this and he says: What it means. What should I do? How to  
23          connect? How can I add you?

24          He can't figure it out so Samy diverts him onto  
25          Surespot. Who comes up at Surespot? It is Samy El- Goarany.

H1P5gam6

Summation - Ms. Shroff

1 And what do they talk about on Facebook? The same thing he  
2 talks about with Khalafalla Osman. Why would it be any  
3 different? He is not part of the bat cave, right? Just like  
4 he told Khalafalla Osman, that's what Samy El- Goarany tells  
5 Mr. El-Gammal. He is going to go to the Middle East, he is  
6 going to work smuggling Syrian refugees out of Turkey, out of  
7 Syria and into Turkey. Same thing he told his mother and the  
8 same thing he told his other friend.

9 Now, the other fact that the government or the  
10 prosecution made much of is Mr. El-Gammal sending a link of a  
11 video. That's the video. It is a video produced by Vice News,  
12 a documentary video. It won a Peabody Award. I think millions  
13 of people have watched it. I am sure there are people sitting  
14 right in the audience and I'm sure the reporter for Daily News,  
15 Newsday, and all other people interested in current events, I'm  
16 sure they watched it.

17 Now, it is not an easy video to watch, I will give you  
18 that. It is a video that talks about brainwashing young  
19 children so you have to ask yourself: Why send this video to  
20 another person? Frankly, you know, I really don't have a good  
21 answer. Who knows. I don't know why people send videos to  
22 each other. It could be because they're talking about the  
23 story that's occupying almost every news outlet during that  
24 time. In the summer of 2014 and shortly thereafter that is all  
25 that everybody talked about -- ISIS and the declaration of the



H1P5gam6

Summation - Ms. Shroff

1 caliphate.

2 What do they want you to take from this ISIS/Vice  
3 video? What is the inference the government wants you to draw?  
4 If you send the Peabody-winning ISIS video you must be rah-rah  
5 Islamic State.

6 I don't think watching a documentary, even a violent  
7 and a vicious one, rises to the level of a crime.

8 In October of the same year Mr. El-Gammal travels to  
9 New York City. The government wants you to make much of this  
10 trip but this trip is very similar to many other short trips  
11 that Mr. El-Gammal took during your time period. He went to  
12 Las Vegas a couple of times, he went to California, I have to  
13 tell you, I am a little confused by that hotel reservation that  
14 Mr. El-Gammal makes for this trip, and I think Ms. Tekeei  
15 introduced that into evidence and showed you that the room that  
16 Mr. El-Gammal booked had a queen bed. I'm not sure what  
17 inference they want you to draw. Is it their theory that  
18 Mr. El-Gammal intended to share that queen bed with Samy  
19 El-Goarany or not? I'm not quite sure what inference one  
20 could draw from that except perhaps that when Mr. El-Gammal  
21 booked that trip, he probably was planning to travel with his  
22 wife. And you know from the testimony in this case that during  
23 that time he and his wife weren't quite getting along.

24 But, anyway, it was a tough time for Mr. El-Gammal, he  
25 was in New York, and this is where he first met Samy

H1P5gam6

Summation - Ms. Shroff

1 El- Goarany in person.

2 I just want to focus on this reservation just for a  
3 minute. According to them this is the trip that Samy  
4 El- Goarany and Ahmed El Gammal, this is the time when they are  
5 going to have their discussion about him going to the Islamic  
6 State -- by him I mean Samy.

7 Why would you ever book a hotel in your own name? Use  
8 your own credit card? Why? You are going here to do such a  
9 dangerous thing, provide material support, as she put it, in  
10 the United States. I would not use my credit card. Again, on  
11 rebuttal they say well, you know, some criminals are just not  
12 smart. Or, some people they call criminals are just not  
13 criminals. And I will tell you why what I am saying is more  
14 true. Because what do these two do here? And I am going to  
15 get to this very thing because it is absurd, okay? What do  
16 those two do here? They go to the Empire State Building. Then  
17 they go eat. And then they go, of all places, to the Belgian  
18 beer cafe, okay?

19 Now, I have to tell you, let's just say he is not  
20 Islamic at all but even according to them, by now, Samy  
21 El- Goarany is deep in love with ISIS, right? And you heard  
22 his parents tell you, you heard his brother tell you, he always  
23 wanted to do things the Islamic way but I tell you one thing  
24 that is not Islamic, ladies and gentlemen of the jury, and that  
25 is alcohol. They go to the Belgian beer cafe, okay?

H1P5gam6

Summation - Ms. Shroff

1 I don't know what vetting Mr. El-Gammal is doing of a  
2 person wanting to go to ISIS in the Belgian beer cafe but I  
3 tell you something, the Hijrat, the Islamic State pamphlet  
4 would not approve. What else does Mr. El-Gammal do? He calls  
5 Celeste. Here you go. What's this man doing calling his wife  
6 while he is busy trying to vet this man, the 24-year-old, and  
7 send him off to Islam?

8 Look at these phone records, 10/7, 10/7, 10/7, 10/8.  
9 Look at the seizure duration. These are not short calls. This  
10 is not somebody calling saying, hey, how you doing, talk to you  
11 later. Busy. Ask for them if you want to count up -- I didn't  
12 do the math. Honestly, I have to tell you, but there they are.

13 And here is another thing. What does Jammie El-Gammal  
14 do when after this vetting trip he goes back to Arizona? He  
15 posts a picture of himself in New York.

16 Now, look. What is the government's theory here? The  
17 government is saying that he came on a special trip just to  
18 meet Samy El- Goarany to vet him so that he could be sure that  
19 Samy El- Goarany was serious and could be presented. There are  
20 several problems with this theory.

21 None one, there is absolutely not a scintilla of doubt  
22 that Attiya Aboualala is Muslim Brotherhood through and  
23 through. He is not a follower of the Muslim Brotherhood, he is  
24 not a supporter of the Muslim Brotherhood -- he is Muslim  
25 Brotherhood. He is Egyptian Muslim Brotherhood. He is not

H1P5gam6

Summation - Ms. Shroff

1 going to step out and walk into ISIS. He is not going to help  
2 somebody go to ISIS. And the Government has produced not a  
3 shred of evidence that tells you otherwise. Nothing. Nothing.  
4 There is nothing that tells you that.

5 So, how do they get you there? They talk about Attiya  
6 Aboualala, a journalist in Turkey, once in Egypt, talking about  
7 the Islamic State and say to you, look, he is into the Islamic  
8 State. But let me tell you, ladies and gentlemen of the jury,  
9 when you are living in Turkey, when you are living in a country  
10 close to Syria and when you are from Egypt and you are a  
11 journalist, what is it that you talk about? That is precisely  
12 what you talk about. She never once mentioned in her direct  
13 summation to you that he was a journalist. Why?

14 It is the prosecution's theory at opening and now that  
15 they wanted to vet. Vet is a very technical term for Islamic  
16 State. That's tazkiya. Okay?

17 Professor March talked about tazkiya, it is a  
18 purification of the person being presented to enter to in the  
19 Islamic State. The person who vets you has to be in the  
20 Islamic State. You don't vet somebody sitting in your home in  
21 Arizona, United States of America. He has no ability to vet.  
22 He has no gravitas to vet. He has no skill to vet and nobody  
23 would take his vetting seriously. It would be like if I  
24 suddenly stoop up and said hey, you know what? I would like to  
25 get you a recommendation for who should be the next president

H1P5gam6

Summation - Ms. Shroff

1 of the United States. What would that reference? What would  
2 that vet count four? Zero. Tazkiya is a very specific  
3 concept. Tazkiya comes from the person within. It is the  
4 person within the organization that vouches for you and says  
5 this person is fine, we should let him in.

6 Attiya could care less about any of this and you know  
7 why you know that Attiya could care less about any of this?  
8 The guy doesn't show up at the airport. This is his big  
9 person. This is the person that Mr. El-Gammal is sending his  
10 way. He doesn't show up at the airport? Come on. But let's  
11 not even reach that part yet. Let me just go all the way back.

12 Still in New York, I have reviewed with you why this  
13 trip is not a secret trip, open and notorious, nothing hidden  
14 about it. He comes, he has a good time, he shows photos to  
15 people, and they go back.

16 And let me focus in, if I may, on the conversation  
17 between Attiya and Mr. El-Gammal when Mr. El-Gammal is in New  
18 York.

19 (Continued on next page)  
20  
21  
22  
23  
24  
25

H1P3GAM7

Summation - Ms. Shroff

1 MS. SHROFF: You see first outreach is really not,  
2 they skipped that line, the top line. 10/6/2014, 3:18:51 "Why  
3 aren't you answering me, Gammal?" Who reaches out? Attiya.  
4 Attiya is trying to get ahold of him for something. Who knows  
5 what.

6 Surely the government is not saying, are they, that  
7 Attiya is so anxious to vet somebody that he has never met  
8 before, that he knows nothing about, that he is saying to  
9 Gammal, hey, buddy, let's do the vetting together.

10 They skip this line. Why? God only knows. But it is  
11 Attiya who reaches out. And what is it that Mr. Gammal replies  
12 back? Remember the government's theory, their theory is he's  
13 here to vet, he says "I'm busy." "I'm in New York now. Busy."  
14 Are they suggesting, here look down here. "I'm in New York  
15 now. Busy."

16 Then go back up and look.

17 "Really I'm saddened because of you.

18 "Why are you sad?

19 "Listen, give me your number in Turkey so my American  
20 friend can call you when he arrives, call me on Skype."

21 Perfectly normal. What is abnormal about this? You  
22 have a friend going to Turkey and you have a friend in Turkey.  
23 It's very normal. You know who else thinks it's very normal?  
24 Almost everybody except the three on this table. Khalafalla  
25 Osman thinks it's extremely normal. You have a friend in

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Summation - Ms. Shroff

1 Belgium, I am going to Belgium. Why not? I'm from India. If  
2 any one of you are going to India, I would be happy to hook you  
3 up. It's normal.

4 What does Gammal say to him, by the way? "I'm in New  
5 York now. Busy." Why doesn't he say call me on Skype wink,  
6 wink and stop. Is this also a code? I'm in New York now busy?

7 That's not why Mr. Gammal is here. He's not here to  
8 vet Samy El-Goarany for anything.

9 According to the government, the link, the  
10 facilitator, the hook up, is Attiya Aboualala. Attiya  
11 Aboualala is the critical link. So why is Mr. Gammal blowing  
12 him off? Why is Mr. Gammal saying he's too busy to speak?  
13 This is the man he's going to entrust his friend to, right?  
14 This is the guy who going to help his friend get to al-Dawla  
15 al-Islamiyaa. He's going to blow him off. Okay.

16 Let me ask you one other thing. It is their theory  
17 that this is a planned trip just to vet. Okay. He's flying  
18 all the way across the country to come here and do the vetting.  
19 Come on. Even he knows, right, that Turkey is a seven-hour  
20 time difference. You're not going to give this man a heads up?  
21 Hey, when are you going to be free to talk? It is an important  
22 thing. This is Samy El-Goarany's crusade to the Islamic State.  
23 He is the facilitator and you make no plans. There is a  
24 seven-hour time difference. The man works. You don't set up a  
25 time to have a call? And then when he calls you, you ignore

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Summation - Ms. Shroff

1 him? You go to the Empire State Building and then to the  
2 Belgium cafe.

3 Here is another thing. He asks him for the phone  
4 number, right, gives the phone number to Samy. You know what?  
5 It is the same phone number still for Attiya to this day.

6 He's in New York, Samy El-Goarany is in New York, and,  
7 hey, look they have a phone number. Why don't you just have a  
8 call then? Why get back on Facebook? Why have another chat?  
9 I mean, the best way to keep something secret is just for the  
10 three of you to get into a huddle and talk. And you know who  
11 knows how to get into a huddle and talk? Samy El-Goarany. And  
12 what is his huddle called? The bat cave. And who is not in  
13 the bat cave? That man over there. Mr. Gammal.

14 You see, the reason it unfolds like this, is because  
15 it's normal. The guy says I'm going to Turkey, Gammal says I  
16 have a friend there, sure, I'll introduce you, here is his  
17 phone number. You'll be in touch, he'll be in touch, let me  
18 know when you're flying, I'll send him the information. It is  
19 an offer of hospitality. A lift from the airport. Sure. Why  
20 not.

21 And then of course, they're focused on the tourism  
22 company. You've already heard a lot about that tourism  
23 company, so I'm really going to try to keep it short, but I'm  
24 sure it will come back up on rebuttal so pay attention, if you  
25 please, to whatever they say, because I know that you will be



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Summation - Ms. Shroff

1 equipped to handle any argument they throw at you.

2           Everybody knows by now, by this point, everybody knows  
3 that Samy El-Goarany has a plan. It depends who you are  
4 though, because his plan changes with who you are. But one of  
5 his many plans is he's going to work for a smuggling company  
6 and smuggle refugees as tourists out of Syria and into Turkey.  
7 That's his plan. Good plan, bad plan, whatever it is, that's  
8 the plan he floats, okay. Wouldn't that just explain why he's  
9 calling it the tourist company?

10           And they made much of this parking lot conversation  
11 and about the northern side. But look, their own expert  
12 explained things to you, right? He explained to you that in  
13 the fall of 2014, the Syrian refugee crisis was catastrophic.  
14 Take a look, because this is the United Nations map, and it  
15 actually tells you where each camp is. And there is a camp in  
16 Gaziantep. And there is a camp in Adana, also a refugee camp.  
17 In fact, the entire Syrian-Turkish border, and both experts  
18 testified to this, surrounded by camps. During this time  
19 period, there is such a refugee problem that Gaziantep is  
20 almost overflowing, Mr. Zelin testified to this, and he told  
21 you that United Nations had set up camps there, there were  
22 other ad hoc camps there along the Syrian-Turkish border.

23           Dr. March testified, the very well-regarded man from  
24 Yale. He talked about all the different groups that are on the  
25 border. Dr. March's unchallenged, uncrossed testimony made

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Summation - Ms. Shroff

1 clear there were several humanitarian groups on that border.  
2 In fact, he said that some were so ad hoc that people would  
3 just set up charity tents because they wanted to go help Syrian  
4 refugees. He testified some of them bring supplies, and would  
5 not be necessarily registered or even have a long-standing  
6 affiliation.

7 But even if you put aside all the information about  
8 those camps in both these places, and mind you, let me go back  
9 to Adana, okay, and I'll get to how Mr. Gammal does not in fact  
10 give directions to Adana or Gaziantep. Adana is not an entry  
11 point. They just skip over Adana completely because they have  
12 no answer for it. Right. So they're focusing you on  
13 Gaziantep. But guess what? Adana does have a refugee camp.  
14 Right there.

15 Let me focus you on what Attiya did during that time  
16 frame because it's important for you and me to remember that  
17 Attiya has just gotten to Turkey. Attiya is not a long-time  
18 resident of Turkey. Here is his visa. Shows you when he came  
19 in. Look, right there. July 8, 2014. That's when the visa is  
20 issued. He actually enters, I believe, after. And they  
21 discuss how to get in from Egypt to Turkey.

22 Attiya is nervous. He says "Gammal, I'm afraid to go  
23 directly to Turkey. What do you think? Gammal says "No. You  
24 will be arrested. You take a direct flight but with a  
25 touristic group, with a tourism agency." Attiya says "I don't

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Summation - Ms. Shroff

1 know." Gammal says "But not by yourself." "So should I make  
2 arrangements with the tourism company?" Gammal says "Why. Why  
3 not." They didn't play that chat for you. For Attiya using  
4 the tourism company is not a signal for ISIS. It is not to  
5 discuss a covert entry into ISIS. That's how Attiya came from  
6 Egypt to Turkey. He fled from Egypt, talked to Gammal about  
7 it, and here you are, Government Exhibit 120-A-T, page 25.

8 So the government might say to you in their rebuttal,  
9 why would Samy need to be smuggled? Well, you know why.  
10 Right? Because you were paying attention when Professor March  
11 testified. You were paying attention when he told you that  
12 moving people across the border is illegal. You know that  
13 already. You don't need Professor March to tell you that. But  
14 apparently it quite upset Mr. Quigley, because he kept  
15 objecting to Mr. Osman testifying about it.

16 But let's stick with Professor March. Professor March  
17 explained to you that for ISIS leaving the caliphate is a crime  
18 worse than death. Actually, that didn't make any sense. It is  
19 just a very bad crime.

20 What was ISIS's view of people who wanted to leave the  
21 Islamic State? And he says -- let me tell you one thing about  
22 Professor March. You know, he was straight up. He really was.  
23 Take a look at his testimony. He was clean in his testimony.  
24 And when Mr. Quigley asked him questions, gave him extremely  
25 fair answers. When he said "I would be mildly surprised," I

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Summation - Ms. Shroff

1 thought that was really a very truthful answer.

2 He said "They could be deserters and even apostates  
3 because it could be interpreted as rejecting the legitimacy of  
4 the caliphate and the obligation to live under the authority of  
5 Islam.

6 "Q. And did they," by they I mean ISIS "call that un-Islamic to  
7 want to leave?

8 "A. Yes. Absolutely. It could potentially be apostasy or  
9 departure from Islam.

10 "Q. Dr. March, is your opinion and Mr. Zelin's opinion the same  
11 on the issue of refugees wanting to leave the Islamic State?

12 "A. Yes. So Mr. Zelin says the Islamic State loathes that  
13 individuals are fleeing Syria for Europe and I would agree with  
14 that."

15 For once, everyone is on the same page. So, there is  
16 a good reason why Samy would want to keep that secret. ISIS  
17 believes that the caliphate is the best place on the earth for  
18 Muslims to live. If the refugee wants to leave, they are  
19 murtadeen.

20 I want you to think of one other reason why this plan  
21 really makes no sense, the plan the government wants you to  
22 adopt as truthful. Attiya would never be a middleman for ISIS.  
23 Attiya is Muslim Brotherhood. Again, ask for the readback  
24 because Zelin, Professor Zelin does not speak to the Muslim  
25 Brotherhood about it, not an expert in it, but Dr. March

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Summation - Ms. Shroff

1 testified about it. And you know what he testified about.  
2 When the government tried to lump the supporter together with  
3 the true Brotherhood born in Egypt, he said no. You cannot  
4 lump that way. That would be incorrect. There are followers,  
5 there are supporters, and there are those whose blood is Muslim  
6 Brotherhood. And that is Attiya.

7 To point to a chat that a journalist says -- one chat  
8 amongst hundreds and thousands and thousands and thousands,  
9 Gammal, I may have to join the state. That's what they want  
10 you to hang their hat on because that one statement shows to  
11 you, ladies and gentlemen of the jury, that one statement is  
12 enough to eradicate his deep-seated belief in the Muslim  
13 Brotherhood that exists today. He is in a video with Erdogan  
14 doing the Rabia sign. Not the Tawhid. Rabia.

15 And if you want, of course, you can go back and look  
16 at all of the many, many photos that Attiya posts with the same  
17 sign.

18 Let me point out two other things. After he gets to  
19 Turkey, he goes to work for the Muslim Brotherhood TV channel.  
20 If the Muslim Brotherhood thinks he's ISIS, they're not going  
21 to hire him or keep them on, number one. It's hard to keep  
22 that kind of devotion, pretend devotion day in and day out  
23 because you're working at a Muslim Brotherhood channel.

24 And, you know what, examine his posts, examine what he  
25 says as a journalist. Here you are. First the agent testified

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Summation - Ms. Shroff

1 he couldn't really make sure or be, you know, find out for sure  
2 where somebody worked because the FBI has no presence in  
3 Turkey. But Mohammed El-Goarany found him that way. And of  
4 course here you have testimony that he works for a TV channel  
5 that is owned by somebody in the Muslim Brotherhood.

6 Now, look, there is some significance to his loyalty  
7 to the Muslim Brotherhood. There is a reason why there was so  
8 much testimony about the Muslim Brotherhood. There are many,  
9 many different jihadi groups in the Middle East. There are  
10 politicians, clerics, historical figures, some of this  
11 testimony from Dr. March has been somewhat esoteric, but this  
12 point is very simple. The Brotherhood and ISIS, not friends.  
13 In fact, they are bitter foes. As my colleague told me last  
14 night, and really this is far beyond me, it's like the Yankees  
15 and the Red Sox.

16 MS. TEKEEI: Objection.

17 THE COURT: Overruled.

18 MS. SHROFF: I'm a Cowboys fan. If it is the Cowboys  
19 and Giants, I'm never going to root for the Giants. Sorry.

20 Hillary and Donald. If you are a Hillary fan, some  
21 guy says, you know, can I come stay at your house, I want to go  
22 attend that pro Donald Trump rally. I'm going to say no. I'm  
23 going to feel good about that, too.

24 So you are not going to cross over. Not when you're  
25 that deep into the Muslim Brotherhood.

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Summation - Ms. Shroff

1           Mr. Quigley talked about Abu Bakr Al Baghdadi, ISIS's  
2 leader. Said he converted from the Brotherhood. You know  
3 that's not true. It is clear and it was clear on  
4 cross-examination, because you know we had that book handy.  
5 This book quotes Badri, later Baghdadi, his original name  
6 actually was Ibrahim Badri, later Baghdadi, as saying the  
7 Muslim Brotherhood does not embrace me as -- this is what  
8 Baghdadi says. The Muslim Brotherhood does not embrace me as  
9 he left the organization. And that is because he was  
10 radicalized in a different direction.

11           What does Professor March call it? A bitter divorce  
12 or a divorce I think he called it.

13           There is no overlap between the two. The Brotherhood  
14 believes in change through democratic process. ISIS believes  
15 that voting for your own leaders and making your own laws is an  
16 insult to God. The only source of law for ISIS is God. To  
17 ISIS, the only good Muslim Brother is a dead one. And the  
18 brothers of the Muslim Brotherhood are murtadeens and should be  
19 killed on sight.

20           That is why Attiya's Facebook page is littered with  
21 posts denouncing ISIS. And he repeatedly, repeatedly wherever  
22 he goes, has the Rabia sign. "I renounce and condemn severely  
23 what Turkey incurs from treacherous terroristic onslaught amid  
24 reticence, disregard and support from some members of  
25 international committee that we witnessed rush to support

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Summation - Ms. Shroff

1 France against the Paris attacks in a high protest. Worth  
2 noting in this last explosion that left behind more than 120  
3 victim between injured or killed that the American Embassy had  
4 published on its website a warning to its nationals from  
5 possible explosions the morning of the day of the explosion,  
6 according to AHA agency, suggesting that Turkey faces a  
7 conspiracy and a real war that targets its safety and will."  
8 He's not anything but Muslim Brotherhood.

9 And you know, there were a lot of chats on direct.  
10 I'm going to leave this up, if you want to read it. You can  
11 also ask for it in the back.

12 I also want you to focus on somehow of a different  
13 nature of chats between Attiya and Mr. Gammal. The ones that  
14 aren't serious. According to Ms. Tekeei, they're always  
15 serious. And I want you to go back and look at the originals,  
16 look at the originals as to how many times they've crossed out  
17 the ha ha ha, or the other silliness that permeates their  
18 conversation. Here's one.

19 "May God be with us, I'm traveling." Gammal says  
20 "Good. To where. Iran or Daesh?" Now you know Attiya cannot  
21 go to Iran. A Sunni cannot travel to Iran. If a Sunni goes to  
22 Iran, he's by definition not pro ISIS. Because if you're pro  
23 ISIS, they're going to lop your head off in Iran. Really. Is  
24 this a serious conversation? Clearly the passport is showing  
25 he is going to Turkey. Two people joking. And Attiya of



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Summation - Ms. Shroff

1 course clears up the joke and says Turkey. Gammal says "You  
2 are too wimpy to be Daesh. Congratulations. Of course" he  
3 says "I'm coming to visit you man, it's a must." And Attiya  
4 says "Man, where is Daesh." It's a joke. You think Attiya the  
5 journalist doesn't know where Daesh is?

6 It may not be your flavor of a joke, but think about  
7 where they are. Think about where Attiya lives. Think about  
8 what Attiya does and think about what his daily existence is.  
9 Because in his neighboring countries, Daesh is a daily topic.

10 Here is another question I have. According to the  
11 government, Attiya is all anxious to be the facilitator. Okay.  
12 You are Attiya. Think about this. You know Mr. Gammal for a  
13 while. You know him online, you've met him once at Rabaa  
14 Square. Why are you going to put yourself out there. What's  
15 in it for you. What's Attiya's motivation?

16 Really, is the government really saying that a  
17 journalist who posts anything about Daesh is automatically  
18 Daesh and feels very strongly and is going to put himself out  
19 there to get this 24-year-old into ISIS?

20 Okay, let's test that a little bit. What does he get  
21 out of it? Does he get money, personal benefit, a reward?  
22 They've proffered no reason whatsoever, other than he wanted to  
23 help ISIS get another recruit. But we have nothing from Attiya  
24 to say that. You know, they have a joking relationship, they  
25 joke a lot.

H1P3GAM7

Summation - Ms. Shroff

1           Here's one. "Are you coming to Turkey?" "Hush hush."  
2 I don't know, is that hush hush a code? "Yeah." "To visit you  
3 and show you around." Gammal is not going to show him around,  
4 right, Gammal wants to be shown around. "We will go to  
5 Kusadasi." "Ha ha I don't know what is Kusa." Gammal says "a  
6 city over there." Maybe Gammal has been there. I don't know.  
7 Attiya says "okay." And Gammal says "full of bikinis, ha ha  
8 ha." And Attiya says "I need a wife who can solve this  
9 problem."

10           They're friends. They talk.

11           Ms. Tekeei also in her main summation said that  
12 Mr. Attiya Aboualala would put himself out there to help Samy  
13 El-Goarany not just to cross over into Syria, right, to do so  
14 much more. To cross over into Syria for the specific purpose  
15 of joining ISIS. And become a combatant for them. A combatant  
16 for the very organization that is dedicated to eliminating the  
17 Muslim Brotherhood, the movement that Attiya loves so much, for  
18 whom he works, and for who he took a bullet.

19           In the Dabiq Magazine, ISIS called the Muslim  
20 Brotherhood a cancer. I don't see Attiya Aboualala putting  
21 himself out there to get Samy El-Goarany to join that  
22 organization.

23           Look, the truth is, that Samy for Attiya is very much  
24 an afterthought. He may have one point been told of his  
25 flight, but he doesn't even remember. He gets the date wrong.

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Summation - Ms. Shroff

1 Gammal gets the date wrong. "Where is the guy, Jimmy, you said  
2 on the 17th." Gammal said "No, I said on the 24th."

3 If they're that anxious to meet him, you're going to  
4 know. You are going to make arrangements. He's not even  
5 asking on the 17th. He is asking on the 18th. Anyway, the  
6 matter is canceled. Attiya said "I'm providing him with  
7 lodging, food and drink." Gammal said "I just found out  
8 yesterday, may God bless you chief, his mother has a problem so  
9 he canceled the travel for the time being."

10 What's so nefarious about this? Obviously everybody  
11 knows he is going to Turkey. It's not a secret. Samy asks El  
12 Gammal can you help me get a contact in Turkey because I'm  
13 going to Turkey, and from there I am going to do humanitarian  
14 work. So of course he is going to know. I mean, it is not a  
15 secret. It's on Facebook, for God's sakes. The mother has a  
16 problem, so he canceled the travel for the time being.

17 Look, if you're Attiya Aboualala and you've gone  
18 through all that trouble of having a friend vet him, let's do  
19 exactly what Ms. Tekeei says: Analyze the response. Wouldn't  
20 you expect him to say, hey brother, I really put myself out  
21 there. Hey brother, where is my recruit? Hey brother, what am  
22 I going to tell the Islamic State now that I don't have Samy  
23 El-Goarany to ship to them as a foreign fighter? What does he  
24 say instead? "Ha. Don't worry, my friend."

25 And also, I want to remind you, you have to remember

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Summation - Ms. Shroff

1 where Samy El-Goarany's mind is at during this time. Because  
2 Samy El-Goarany is undecided, and you know that because you've  
3 heard the evidence. His brother told you he was undecided.  
4 Throughout this time he posts messages. Here, Mr. Osman gives  
5 it to you so much better.

6 "Is it fair to say around that time you had several theoretical  
7 discussions with Samy El-Goarany about ISIS, correct."

8 "A. Correct.

9 "Q. And he always throughout that time condemned their  
10 violence, correct?

11 "A. Absolutely."

12 And you know, Mr. Quigley crossed him. What else does  
13 he do? Here you are. Check out the date. December 8, 2014.  
14 "No matter how much training or weapons they get, I think the  
15 only effective remedy to the Islamic State is the  
16 democratization and economic independence and political  
17 independence of the Middle East. ISIS breeds off our  
18 autocracies, our failures to unite, and our failures to respect  
19 our people." December 8, 2014.

20 What else does Samy El-Goarany do that we know that  
21 what they're saying isn't quite right? Actually, to be  
22 completely wrong. Is completely wrong. Here you go. Look at  
23 this. "All resistant movements throughout history have made  
24 mistakes in killing civilians." That does not sound like a  
25 ISIS proponent to me.

H1P3GAM7

Summation - Ms. Shroff

1           What else does Samy El-Goarany do during this time  
2 period? December 9, 2014, you know who gave you this? His  
3 mother. What did his mother tell you? Samy El-Goarany started  
4 to look for a job. Samy El-Goarany was going to stay, Samy  
5 El-Goarany made to-do lists, Samy El-Goarany looked for a job.  
6 Samy El-Goarany updated his résumé. December 9, 2014. Let's  
7 take a look at that to-do list. Here you are.

8           Excel tutorial, one tutorial each day. Get vitamin  
9 D3, 5,000 pills from Costco. Hit up Garik. Sample cover  
10 letter and tutorial. Go to the bursar office and inquire about  
11 the 2,149 -- I am assuming there had to be a dollar sign  
12 somewhere -- pending financial aid. And then he says learn to  
13 cook.

14           What else does Samy El-Goarany do? He reaches out to  
15 others. He reaches out to a friend December 4, 2014, salaam  
16 alaikum, brother. Are you available to meet up tomorrow? Do  
17 you still recommend going for the MTA job by the way. Wasalam  
18 broski, let's meet around five today. Don't worry, I'll try to  
19 help as much as possible.

20           Why are you going to look for a job if you're going to  
21 go to the Islamic State? Especially since he doesn't have a  
22 strong work history, he only worked at Sears for three months,  
23 but look, he's trying to get a job. Public posts.

24           Now, maybe the government's going to say this is all a  
25 ruse. If you're reading this on Facebook, would you think it

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Summation - Ms. Shroff

1 was a ruse? No. You would think it's truthful. Why? It's  
2 perfectly logical. Guy is looking for a job. Everybody should  
3 work.

4 I just want you to ask yourselves, she said use common  
5 sense. Let's all use our common sense. If Samy is undecided  
6 about what the hell he's doing, why should anybody else know  
7 what he's up to.

8 And indecisive he is. January, he decides to leave.  
9 Okay. Let's see what Attiya does when he does that. Attiya  
10 doesn't even care. The guy says can you pick me up at the  
11 airport? They never showed you this either. My flight number,  
12 brother, where are you? I'm in the terminal now. My number is  
13 blah-blah. My phone will be active in two hours.

14 Does he show up at the airport? No. Calls him back  
15 later. Where are you now? Where are you now? By then he's  
16 already in his hotel.

17 Remember, who does he keep in touch with all through  
18 this time? On the flight he calls who? His cousin Ahmed. His  
19 cousin Ahmed calls whom? His brother Tarek. Who knows where  
20 he is? Brother Tarek, cousin Ahmed.

21 I want you to do one more thing. You've seen a lot of  
22 chats in summary form. They were put together to present a  
23 point of view. Certainly not the defense's point of view. And  
24 if you look at the originals, if you take a look at the way the  
25 messages comes out, it is very clear, and this is the one thing

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Summation - Ms. Shroff

1 that does cripple their case completely. Attiya is not Samy's  
2 link to the Islamic State. Take a look at this timeframe.  
3 This conversation says "I'll call you tomorrow inshallah."  
4 They want you to make much of the call to Mr. El Gammal,  
5 doesn't seem odd to me that the person who introduces him to  
6 the person who is going to help him in Turkey. It's his  
7 friend. They're both his friend. It makes sense.

8 To scroll down, January 29, 9:29, El-Goarany, El  
9 Gammal. "By the way, I'm in contact with someone from the  
10 company. Directly inside the company. And he knows people  
11 here, can probably help me get there in three or four days  
12 inshallah."

13 I focus you on this, because you know who Samy  
14 El-Goarany up until that point has not met? Attiya Aboualala.  
15 Make sure you look. Because Attiya Aboualala "I can go to you  
16 now." After, after, after, after. After in contact with  
17 someone from the company. After. After. He meets Attiya  
18 after, Attiya is not the contact. Attiya is not the  
19 facilitator. And you know why I am correct? Here's his  
20 brother. "Did you have -- did you exchange PQ chat messages  
21 with Samy after receiving that on January 30?

22 "A. I did.

23 "Q. Describe what he told you about what he intended to do?

24 "A. He told me that he was waiting for contact, and that after  
25 he received the contact, which he did eventually, he was going

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Summation - Ms. Shroff

1 to be transported, somehow smuggled into Syria and taken to a  
2 safe house of sorts."

3 Not Attiya Aboualala. Take a look at that exhibit  
4 carefully, because they don't hook up. It takes them a whole  
5 day and the contact conversation, clear as day, "I'm in contact  
6 with someone from the company, directly inside the company,"  
7 and he has not met Attiya Aboualala.

8 If Attiya Aboualala is not the contact, their case  
9 falls. Because it means that Samy planned his travel to ISIS  
10 with someone else's help. Someone else, other than Mr. Gammal.

11 And you know what else? I want to remind you that on  
12 their direct of Professor Zelin, they elicited that during that  
13 timeframe, you didn't need tazkiya. You didn't need a vet to  
14 get into ISIS. According to them, their expert, the border was  
15 open. Completely in keeping with what he says.

16 I tell you one other reason he's not the contact.  
17 Let's focus on this conversation between Samy and Mr. Gammal  
18 when Samy El-Goarany is in Turkey. He says "Man, I have a  
19 situation here. Attiya doesn't speak English. It's been tough  
20 for us to meet up."

21 What fool goes all the way to Turkey, has a  
22 facilitator or contact who doesn't speak his language and they  
23 haven't talked about it? I mean, come on. Are we all  
24 suggesting that this is the conspiracy of idiots? Nobody has  
25 put it together that this man is going to help this boy, 24



H1P3GAM7

Summation - Ms. Shroff

1 year old -- I wouldn't call him a boy. 24-year-old man,  
2 perfectly responsible for his own well-being, and guess what?  
3 He's going to meet this facilitator who speaks not a word of  
4 English, according to this little exchange, and they never  
5 planned for it.

6 I don't know. If I'm going to go join ISIS, I'm going  
7 to make sure the person that's getting me there is going to get  
8 me there alive and safe, and that's a person I'm able to talk  
9 to by any means, whatever the means is. I'm going to be sure I  
10 know what language at least he is speaking, right.

11 So then what do they do? They say, ah-ha, because he  
12 says use Google Translate. That's material support.

13 I want to take you back to cross country trip that's  
14 for the vetting. Why don't they talk about this, if it is  
15 really true, that Samy El-Goarany is going to have Attiya help  
16 him, why? Why do they not talk about it when the person who  
17 speaks both languages is in the room. Because Mr. Gammal, it's  
18 clear, speaks both Arabic and English. Wouldn't you just  
19 finish all that you had to get done then? If you truly did  
20 have a Skype, all three of you are talking about going to ISIS,  
21 Samy would know that Attiya doesn't speak English.

22 Anyway, they also emphasize that during that trip,  
23 Mr. Gammal gave Samy Attiya's phone number. The ever so  
24 sinister phone number scrawled on a piece of Howard Johnson  
25 paper that Teresa El-Goarany found in Samy's backpack. She

H1P3GAM7

Summation - Ms. Shroff

1 took a photo but put the paper back.

2           Apparently, Samy didn't bring the phone number with  
3 him. If Attiya's the connect, it's very sloppy work on Samy's  
4 part. January 16, 2015, "Do you have a phone number I can  
5 reach you by?"

6           All through this time, go back and check the phone  
7 records, because I'm telling you he talks to Khalafalla Osman  
8 non-stop. What does Khalafalla Osman tell you? I did not know  
9 a thing. Samy lied.

10           I'm just saying, if Attiya Aboualala is his connect,  
11 that's a very, very important piece of paper for you to have.  
12 Not a piece of paper you would lose.

13           Now, I think they've shifted theories a little bit.  
14 In his opening, Mr. DeFilippis said that the one thing that  
15 Mr. Gammal did to further this conspiracy was he coached Samy  
16 on how to communicate with Mr. Attiya. As if it took a genius,  
17 like Joe Torre, to tell him to download Google Translator. Is  
18 it really the government's theory that telling somebody to go  
19 visit the app store is material support for terrorism? That's  
20 the government's theory? Samy, the master downloader,  
21 Surespot, PQ chat, Cryptocat, Kik, Twitter -- did I leave out  
22 something? He needed to be coached how to get a Google  
23 Translate app. Okay. I don't think so.

24           But what else did Jimmy and Samy discuss? Mr. Gammal  
25 is in the United States, according to the government,

H1P3GAM7

Summation - Ms. Shroff

1 Mr. El-Goarany is on his way to the Islamic State. What are  
2 they talking about? Take pics. That's really weird, I don't  
3 know of myself, is the question. Mr. Gammal says "of Turkey."  
4 But for some reason, it seems to be deleted from his account.  
5 I don't think it is a code. But he says take pictures of  
6 Turkey.

7 Can we slide down on that exhibit, please. This man  
8 is going to the Hijrah of his life. You're going to tell him  
9 to take pictures of Turkey? What is he going to do with the  
10 pictures of Turkey? He is going to the Islamic State. If you  
11 were Mr. Gammal and you knew he was going to the Islamic State,  
12 would you tell him to take pictures of Turkey? That's what  
13 they're talking about. Send me pictures of Turkey. When they  
14 read this chat to you, they omitted of Turkey.

15 Remember Ms. Tekeei said it's important to focus on  
16 what is in the reply and what is not in the reply. And what is  
17 in Samy's reply? Shall we look? I think she's having a little  
18 trouble, but I'll tell you what Samy says is "will do." That's  
19 what Samy replies. "Will do."

20 (Continued on next page)

21  
22  
23  
24  
25

H1P5gam8

Summation - Ms. Shroff

1 MS. SHROFF: If these three are conspiring to launch  
2 Samy El- Goarany I don't know what they're talking about taking  
3 photographs of Turkey. And, why is Mr. El-Gammal deleting  
4 Turkey? There is nothing sinister about Turkey, in fact it  
5 helps him if somebody is asking him to take photographs of  
6 Turkey. Why is Turkey deleted? No idea.

7 Now, the prosecutors also said, during their  
8 summation, that Mr. El-Gammal advised Samy about traveling to  
9 two specific cities in Turkey, Gaziantep and Adana. Let's see  
10 if what he said is correct.

11 I think the reason they want you to think that is  
12 because of the testimony that their expert Zelin gave you,  
13 right? He doesn't give them Adana but he gives them the other  
14 city. None of these cities are mentioned by Mr. El-Gammal so  
15 they're stuck with Gaziantep. I have shown you the refugee  
16 maps before so I'm not going to go through that again.  
17 Mr. El-Gammal doesn't tell him to go to Gaziantep.  
18 Mr. El-Gammal doesn't give him directions to Gaziantep. Ask  
19 for the chat when you go back.

20 THE COURT: Ms. Shroff?

21 MS. SHROFF: Yes, your Honor.

22 THE COURT: We are going to take a 10-minute break.

23 MS. SHROFF: Sure.

24 THE COURT: Don't discuss the case.

25 (Continued on next page)

H1P5gam8

Summation - Ms. Shroff

1 (Jury not present)

2 THE COURT: I may ask the -- I may ask Ms. Rivera to  
3 ask the jury what their appetite is for saying beyond 4:00.  
4 I'm not hopeful that there is any, but it doesn't appear as  
5 though we are going to be able to charge the jury this  
6 afternoon. But, I will inquire.

7 I'm not going to hold you to this, Ms. Shroff, but how  
8 much longer?

9 MS. SHROFF: Two more hours. I'm kidding, I'm  
10 kidding. Maybe 15 minutes. I'm going to try and cut it down.  
11 If you give me five extra minutes, I can cut it down.

12 THE COURT: Like Mark Twain?

13 MS. SHROFF: Yup.

14 THE COURT: Okay.

15 (recess)

16 THE COURT: Can we start?

17 MS. SHROFF: Yes.

18 THE COURT: A half hour, Mr. Quigley?

19 MR. QUIGLEY: Yes, sir. Yes, your Honor.

20 (Continued on next page)  
21  
22  
23  
24  
25

H1P5gam8

Summation - Ms. Shroff

1 (Jury present)

2 THE COURT: Please, be seated.

3 Ms. Shroff?

4 MS. SHROFF: Thank you.

5 So, here it is. Mr. El-Gammal does not give good  
6 direction as to how to get to Adana or Gaziantep. He does not  
7 tell him to go to Adana or Gaziantep. He does not tell him  
8 anything about Adana or Gaziantep other than answering a  
9 question, it is like \$35 or \$40, and Mr. El-Gammal says yeah,  
10 that's nothing, and they talk about whether or not it is  
11 Turkish or American dollars.

12 And let me point out one other thing to you. There is  
13 nothing wrong about talking about Adana or Gaziantep and you  
14 go back and listen to Mr. Zelin's testimony, their expert,  
15 February of 2014 to 2015, those are no long entry points. The  
16 entry points are Jarabulus and Karkamis. And but what about  
17 Dr. March, he told you the same thing. Let's move on because  
18 Samy does get to Syria.

19 The FBI gets involved. Tarek knows where Samy is,  
20 Tarek doesn't tell anyone. Tarek lies not once, not twice, but  
21 several times. Tarek lies, lies, lies.

22 There is Zelin's testimony but I'm going to skip right  
23 over that.

24 Now, I want to remind you again that Tarek lies while  
25 Samy is still in Turkey. And of course all of us have the same

H1P5gam8

Summation - Ms. Shroff

1 question in our minds why and who knows why. I don't know why  
2 Tarek would lie and, frankly, I don't think Tarek knows why he  
3 would lie. He tried to answer that question. Perhaps he lied  
4 to protect his brother from arrest. Perhaps he lied to protect  
5 his family from shame. Or perhaps, and again I want you to  
6 recall that long, long pause that he had on the witness stand,  
7 perhaps he lied because there was a small part of Tarek that  
8 thought that what Samy was doing was righteous. And remember  
9 what Tarek tells you: He told me to do what I thought was the  
10 best course of action and left it up to my judgment.

11 Here we are. What was the question to that response:  
12 "Q And he told you but he" -- meaning Samy -- "to cover up for  
13 him so that he could get to Syria without the FBI knowing and  
14 you covered for him, correct?"

15 "A He told me to do what I thought was the best course of  
16 action and he left it up to my judgment."

17 Now, what happens once he gets to Turkey? Samy  
18 contacts whom? He contacts his family. He contacts his  
19 brother, his mother Teresa, and she admitted that, she admitted  
20 that on the stand. Right? But Samy's father, Mohammed  
21 El Goarany, steadfastly refused to ever acknowledge that is  
22 true. He simply refused. In fact, so vehement was he in his  
23 lie that Samy had not called his family in the week after  
24 arriving in Syria, that to correct his false testimony we  
25 called a witness. We called Special Agent Ngyuen who testified

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Summation - Ms. Shroff

1 that on February 8, 2015, he received a call from Teresa  
2 El Goarany, correct?

3 "A Yes.

4 "Q And she had been contacted by Samy?

5 "A Yes.

6 "Q Okay. And when did she receive the call from Samy on  
7 February 8?

8 "A She received the call from Samy at 8:02 in the morning.

9 "Q When did she tell her husband, Mohammed El Goarany?

10 "A She did not tell her husband until 1:10 p.m."

11 Very specific. 1:10 p.m. Mohammed El Goarany knew  
12 exactly what he claimed not to know on the stand. But she did  
13 tell him that, according to your notes, right?

14 "A Yes.

15 "Q Indeed, he urged -- by he Mohammed El Goarany -- her to  
16 call you, correct?"

17 And Special Agent Ngyuen says yes.

18 Here is why I bring this up. I bring this up because  
19 Mohammed El Goarany is an inveterate liar. He is a liar  
20 through and through. A man who has previously been convicted  
21 of felony grand larceny for stealing from his co-op board for  
22 abusing the trust of his neighbors, people he lives with,  
23 people he sees all day, every day, that's a special kind of a  
24 stealer.

25 On the witness stand what does he do? He tells you



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Summation - Ms. Shroff

1 that he only stole \$36,000, insisted that that was the correct  
2 number when it really, really wasn't. He was five grand short.  
3 And then he had the gall to tell you that the fact that he had  
4 stolen had somehow benefited the co-op. And the more he spoke  
5 the worse it got, the worse it got for him, and certainly the  
6 worse it got for the government's case.

7 What else did Mr. El-Goarany tell you? Mohammed  
8 El Goarany told you that he created a trust, a trust that  
9 allowed him to silo money, hold money, hide money, keep money  
10 from his creditors. Legitimate people, legitimate debt that  
11 they should have been able to collect, he kept it in a trust.  
12 No shame, no embarrassment, no apology, nothing. He told you I  
13 had a trust, I kept my money there, creditors couldn't get to  
14 it, it's a benefit for me.

15 What else do we know about Mohammed El Goarany? Even  
16 though he had the trust, even though he had a home, he had his  
17 son apply for a Pell Grant, a grant that is for needy kids.  
18 And what did his son do with the money that he got from his  
19 state tuition? He used it to buy a ticket on Turkish Airlines  
20 to get himself eventually to the Islamic state. When I say  
21 Mohammed El Goarany has no moral capacity I mean Mohammed  
22 El Goarany has no moral capacity. He is a swindler, he is a  
23 liar, and that's what he did on the stand.

24 Sympathies aside, the Judge will instruct that you it  
25 is not in fact something you should consider by evaluating a

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Summation - Ms. Shroff

1 person's credibility. Sympathy is not to enter into your  
2 deciding whether somebody is a credible witness. It is  
3 important, it is an important obligation for you to evaluate in  
4 fact whether he was credible. And why do I bring this up for  
5 you now? Why does it matter? Because he is the only source,  
6 he is the only testifier as to certain pieces of information  
7 and that information is what the government wants you to  
8 believe as true. Don't. Mohammed El Goarany is not a credible  
9 witness.

10 What did Mohammed El Goarany do to have me say that to  
11 you? First of all, he lied to the FBI. Put aside his stealing  
12 from years ago which is still relevant, he lied to the FBI. He  
13 went to Turkey behind the FBI's back, he didn't tell the FBI.  
14 We know he lied to the FBI. You know why? That's why. Andrew  
15 DeFilippis, Brendan Quigley, Negar Tekeei, Assistant United  
16 States Attorneys, all of them believe that he lied and they  
17 gave him the same don't-even-worry-about-going-to-jail card.  
18 Why? Because they want you to believe him.

19 Now, what do we know that Mr. Mohammed El Goarany does  
20 when he gets there, when he gets to Turkey? He finds Attiya.  
21 How does he find him? Facebook page, Muslim Brotherhood TV  
22 channel, finds somebody who knows him -- by him I mean  
23 Attiya -- and makes a connection and gets himself in contact  
24 with Attiya Aboualala.

25 Now, you saw the video, the very elaborate dinner that

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Summation - Ms. Shroff

1 the two of them had. And here is where Mohammed El Goarany  
2 asks you to believe him because he is the only person who says  
3 this. Okay? No other witness speaks to this. He says, and  
4 the government wants you to believe, the prosecutors want you  
5 to believe, the same prosecutors that gave him this walk-free  
6 pass, that it was at this dinner that Attiya tells him that  
7 Samy is in ISIS.

8 Ask yourself. Is there any important decision in your  
9 life that you would trust Mohammed El Goarany with? The answer  
10 is absolutely not. And you know that there is no way in hell  
11 Attiya Aboualala, at that dinner, tells somebody in an open  
12 restaurant, by the way, your son is in ISIS. That did not  
13 happen. You know why that did not happen? One, because by  
14 then Attiya did not know that Samy was in ISIS, number one; and  
15 two -- and you know this to be true -- because Tarek tells his  
16 father where his son is, the other son, right?

17 Here you are: By the way. I had a great convo with  
18 dad -- pretty sure convo means conversation -- with Dad  
19 yesterday -- and you know who dad is -- and he knows that I'm  
20 in the company now (which I wasn't expecting) but he took it so  
21 well.

22 There is another reason that you know that Mohammed  
23 El Goarany is lying. Because no one -- no one -- no one would  
24 be so rude, so distasteful as to talk about such a thing, such  
25 a dangerous thing in an open restaurant, especially when you

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Summation - Ms. Shroff

1 have it on a video.

2 Think about that. It could be, I don't know, because  
3 frankly I did not find him a credible witness, you can be the  
4 Judge of that, he may have -- let's just give him the benefit  
5 of the doubt and say he was pretending to have a good time.  
6 Attiya is videotaping it. Why isn't it on the videotape? Why  
7 would Attiya ever videotape a dinner where he is breaking such  
8 dire news to a father? It makes no sense.

9 Here is another reason it doesn't make any sense.  
10 Attiya himself has been in Turkey at that time for less than  
11 six months. How would Attiya even know?

12 Here is another thing that they want you to believe  
13 Mohammed El Goarany about. The prosecutor wants you to believe  
14 Mohammed El Goarany's claim that Samy told him that it was  
15 Attiya that helped him get smuggled into Syria. Okay. Go  
16 back. Go back and look at the evidence. That also does not  
17 make any sense. Look through the testimony of anybody in the  
18 El Goarany family and it is crystal clear that if there is one  
19 person -- one person -- that Samy El- Goarany never ever  
20 confides in it is his father, the military dictator, the  
21 pro-Sisi man, the man Mr. El- Goarany -- Samy El- Goarany --  
22 was at odds with almost all the time.

23 But, go back to Teresa El Goarany who was credible.  
24 Right? A very credible witness. She said you know what? When  
25 my son told me not to tell Mohammed El Goarany, my own husband,

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Summation - Ms. Shroff

1 the father of my two sons, when he told me don't tell dad, I  
2 didn't. Okay? So obviously there is something in that  
3 relationship and it makes no sense at all that of all things  
4 all of a sudden, this man would bring his father into the  
5 secret.

6 And again, go back to that exhibit, don't forget, his  
7 contact in the company, way before, way before he meets Attiya.

8 So, let's talk about this time period that Ms. Tekeei  
9 focused on and asked you why would Jimmie Gammal be upset about  
10 Mohammed El Goarany's arrival in Istanbul, why did he ask  
11 Attiya to keep him out of it? Why would he not want to talk to  
12 Samy's father? Well, maybe Mr. El-Gammal knew something about  
13 Samy's relationship with his father that made him react that  
14 way. Maybe it's true, much to their dismay and chagrin, it is  
15 true that Mr. El-Gammal and Mr. Khalafalla Osman were told the  
16 same plan. So, if you are told that your son's plan is to go  
17 work on the border of two countries at war, so to speak, to do  
18 humanitarian work and -- and -- and that same man is part of  
19 the military back then and now, is that the person you would  
20 want to talk to if you were a hater of Sisi? No. And, look,  
21 it is hard for us to relate to this, right? Because Sisi  
22 wasn't a dictator to us. It's hard because I'm not Egyptian.  
23 I don't have -- I mean I deplore the atrocity, I deplore Assad,  
24 Obama said he has got to go, but I couldn't possibly say my  
25 pain is the same as the person born and raised there. His is.

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Summation - Ms. Shroff

1 It is normal that he wouldn't want to talk to this man, he  
2 wouldn't want to talk to him.

3 And look at what El Goarany testifies to here. Here,  
4 in 2017, so the Egyptian people started to be against them and  
5 they wanted to do a re-election again and Morsi refused.  
6 That's why the military got involved and they took Morsi out  
7 and they made the real election, again, in the democratic way.

8 Now, never heard of that. That's outrageous. We have  
9 a Constitution, he says, we have a Parliament, and everything  
10 in order, and the Egyptian is better than the regime of the  
11 Muslim Brotherhood.

12 Let's contrast that, shall we? Their own expert.  
13 Look at the dichotomy. So, if you're an Egyptian person and  
14 one of yours was killed, there was a big protest against the  
15 government's coup and as a result government -- or the  
16 military, I should say, they massacred up to 800 people in a  
17 particular location in Cairo.

18 And this is the man who says that was good. I'm not  
19 going to talk to him either.

20 I am going to keep this in mind, important as  
21 Ms. Tekeei would say. The military in Mr. Mohammed El Goarany,  
22 it runs deep. So deep in fact that the reason that he is on  
23 this trip, on the trip that he takes a detour behind the FBI's  
24 back, he is really going to Egypt. For what? For a military  
25 reunion. That's what he is going for.

H1P5gam8

Summation - Ms. Shroff

1           So, is there a reason that Mr. El-Gammal would not  
2           want to talk to him? Yes, there is a reason why. Mr. Mohammed  
3           El Goarany could make life extremely, extremely miserable for  
4           someone who is anti-Sisi, somebody who hates Sisi at a very,  
5           very deep level.

6           Let's stay with this period now of May. May of 2015,  
7           as you know, Samy starts reaching out to people on Facebook and  
8           Twitter. He posts a public status update, apologizes for being  
9           off the grid, and he is starting to contact individual friends.  
10          Now, you know that because Ms. Tekeei stressed it in her  
11          opening summation and you also know that Mr. El-Gammal is one  
12          of the people that were on this list.

13          Now, I want you to focus on who else is on this list  
14          from May 5th onward, okay? From May 5th onward until the time  
15          that Mr. Samy El- Goarany gets in touch with Mr. El-Gammal  
16          which is five days later, Samy has sent 235 -- 235 -- Facebook  
17          messages to other people. One out of 235?

18                 MS. TEKEEI: Objection. Not in evidence.

19                 THE COURT: Overruled.

20                 MS. SHROFF: That's how important he was to Samy  
21          El- Goarany. And you know who was important to him? Who was  
22          important to him? Brother Tarek El Goarany, Ahmed, El Goarany.  
23          What do they get from Samy? Detailed updates. Does  
24          Mr. El-Gammal? No.

25                 And when Samy says things are going according to plan,

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Summation - Ms. Shroff

1 sure, of course, things are going according to plan. The  
2 question is which plan. Do you know which plan he is talking  
3 about because I know of at least three plans. So, if I were  
4 Samy El- Goarany's friend I would be like, okay, in my mind, it  
5 is plan no. 2, could plan no. 1 for you, and for him it could  
6 be plan no. 3. And you know that that's true because you got  
7 it from an objective witness, you got it from Khalafalla Osman  
8 who has absolutely no reason to pick a side.

9 Now, let's go back also to the chat and I don't want  
10 to belabor this too much but this is another part that was not  
11 read to you when this exhibit was read and I want you to  
12 please, if there is any doubt at all, go back and read the  
13 whole thing. Okay?

14 "EL-GAMMAL: It seems that he found him in Turkey  
15 because Samy has just posted."

16 And so, too, when that is followed up with the talk of  
17 the parking lot, Ms. Tekeei wants you to draw one inference. I  
18 disagree. Because you know why? The plan that he told  
19 Khalafalla Osman and the plan that he told Mr. El-Gammal, and  
20 the plan that he told many other people was that he wanted to  
21 do humanitarian work exactly on the northern side and exactly  
22 on the border. And there is no evidence -- no evidence at  
23 all -- that the theory the prosecutor wants you to adopt is  
24 somehow laid out in their evidence.

25 And then, of course, the focus on the fact that he is



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Summation - Ms. Shroff

1 a noble, noble man. Think about this. This is Mr. El-Gammal,  
2 right? To him, Samy El- Goarany's plan is to go do  
3 humanitarian work -- laudable, as Mr. Quigley said -- something  
4 that you should give kudos to people for. That's what  
5 Mr. El-Gammal does. He asked Mr. Khalafalla Osman, isn't that  
6 laudable? And he said yes.

7 Okay. Here he is, here is Mr. El-Gammal lauding Samy  
8 El- Goarany for doing precisely that and, lo and behold, the  
9 prosecutor is unhappy. And why does he preserve the code?  
10 Everybody preserves the code with Samy because Samy speaks in  
11 code. If someone is talking to you one day and it is an  
12 average day and average vernacular you respond in average  
13 vernacular. He thinks, and rightfully so, as did Khalafalla  
14 Osman and did his mother for a very long time, that Samy is  
15 still engaged in illegal, non-violent and dangerous work and  
16 things have now worsened in northern Syria.

17 Let's talk about this post that he has where he says  
18 I'm going to travel mid-August. Talk.

19 This agent testified credibly that had Mr. El-Gammal  
20 made any effort to book a ticket, to leave Arizona, you know,  
21 the FBI would have stopped him. They knew they were going to  
22 make an arrest, it wasn't a surprise to them. I mean, they  
23 spent months building a case, right? They know who their  
24 person is. They have a theory. They've joined hands with the  
25 El Goarany family, they've decided to perceive them as people

H1P5gam8

Summation - Ms. Shroff

1 who deserve non-prosecution agreements despite their conduct,  
2 and they've decided that that's the man they're going to  
3 arrest. So, of course they're going to have a red flag on him.  
4 And what does he do? Conduct. What does he do? Does he buy a  
5 ticket? No. Does he go somewhere? No. Does he make a  
6 reservation? No. Does he go get the hijrat to the state and  
7 keep it in his home? No.

8 The FBI's investigation is now moving along at pace.  
9 Tarek tells them, finally admits, coughs up all the truth and  
10 says that he has known all along. Father now confirms that in  
11 fact he fully knows that Samy is now with Dawla al Islamiyya.  
12 You had all three of them on the witness stand, very different  
13 people, but I have to say not one of them acknowledged the  
14 repercussions of Tarek's silent help to his brother. But by  
15 the time the FBI is close on the heels and the FBI knows that  
16 the chances of getting Samy back -- and that's also kind of a  
17 little bit complicated, right? Because we are not really sure.  
18 If they do get Samy back, especially for the El Goarany family  
19 it is very complicated because, one, they want the FBI to help  
20 get their son back but they also don't want the FBI to arrest  
21 him. So, it's tricky.

22 But now Tarek and Mohammed realize, they realize that  
23 the two people that are still here in the United States are now  
24 in jeopardy. Samy's in ISIS but Tarek and Mohammed are now in  
25 jeopardy. So, what do they do? They circle the wagons, they

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Summation - Ms. Shroff

1 protect their own, they try to deflect. They don't want  
2 anybody to think, right? And this is so completely  
3 understandable. Nobody wants to think they enabled their son  
4 to go to ISIS. Nobody. It's a hard truth to live with or  
5 process. So, of course, he did it.

6 He is arrested and Ms. Tekeei spent a Long time  
7 talking about this, I'm going to try to be much shorter. He is  
8 arrested and then Mr. Samy El- Goarany makes a video, a video  
9 from the Islamic State and the government has now used twice  
10 the adjective "ridiculous." Okay? Ridiculous, they called it,  
11 an attempt at false exoneration, yet they played it for you but  
12 they call it false exoneration.

13 Judge Ramos has already instructed you that his  
14 lawyers have nothing to do with the making of the video.  
15 Mr. El-Gammal had nothing to do with the making of the video,  
16 he was in jail. If there was any indication at all that he had  
17 played any role in getting that videotape made they would have  
18 presented that evidence to you. There is not a shred of  
19 evidence that Mr. El-Gammal orchestrated, requested, or did  
20 anything to get that video. Okay?

21 So, what does the video say? The video basically says  
22 what he said: *You ruined a man's life based on a lie. You*  
23 *have a lot to answer for.*

24 Now, remember -- remember -- this is a boy who has  
25 done nothing but protect his family. To the bat cave, PQ Chat,

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Summation - Ms. Shroff

1 who is in the bat cave, people only with the name El Goarany  
2 and who are the only two in there with him? It is him, his  
3 cousin Ahmed in Egypt, and his brother Tarek. He has no  
4 interest in anybody else. And you know what? He is scot-free.  
5 So, why stand up and say you ruined a man's life based on a  
6 lie. Why couldn't it be true? Why isn't it true? It is true.  
7 It is true. And you know why it is true. Play the video.  
8 Somebody play the video. Watch the video. Watch how he makes  
9 the video. He makes eye contact, looks you straight in the  
10 face, says exactly what he wants you to know, and what does he  
11 tell you? He tells you that El Gammal is not responsible,  
12 tells you that his father ruined a person's life based on a  
13 lie, that he is not Daesh. And look at the video, look at his  
14 body language, look at how he talks to you and look at what he  
15 says: He says it came out of his own will, it was his own  
16 choice, out of his own resources -- true, true, true -- did not  
17 reach the decision with the inference of help, no one showed  
18 him the way, no one helped him here, no take, take, take a look  
19 at why he is talking about this.

20 Here is why he is telling the truth. Because at the  
21 end of the statement he says do with it what you want. Here is  
22 my statement, do with it what you will. Right? He is not  
23 bothered, he is not saying, please, believe me, let my  
24 co-conspirator go. Do with it what you will.

25 So, this brings us to what? This brings us to almost

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Summation - Ms. Shroff

1 the end of a long, twisted, and very sorry story. And I am  
2 almost finished and as you sit down and you deliberate  
3 Mr. El-Gammal's guilt or innocence you can ask yourself, please  
4 ask your self, what did he do? Because they read you a lot.  
5 Read, read, talk, talk. And from that they want you to infer  
6 conduct but what did he do? He sent Samy a link to a Facebook  
7 page. He suggested a cell phone translation app. He told  
8 somebody the bus fare. And for that he is sitting at that  
9 table across from a very aggressive prosecution with the full  
10 force of the United States. And what they do to a man who did  
11 far less than Tarek El Goarany? They charged him with four  
12 very serious crimes. Compare. Compare what he did to what  
13 Tarek El Goarany did. He did nothing -- by he I mean  
14 Mr. El-Gammal. And focus, focus, please, with no sympathy,  
15 focus on the evidence. What does Tarek do? Go back to what he  
16 does. He kept everyone at bay. He let his brother go. He  
17 made sure his brother could keep his secret, stay in the dark.  
18 He made sure he made his hijrah to Dawla al Islamiyyia, he  
19 provided his brother to the Islamic State. That was him, Tarek  
20 El Goarany, not Mr. El-Gammal.

21 What did he do along the way? What did he do along  
22 the way? He brought equipment with his brother, he bought an  
23 airline ticket with his brother. He destroyed evidence, he  
24 covered up evidence, he covered up his lie and he repeatedly  
25 lied to the FBI. Why? He says he doesn't know. Well, first

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Summation - Ms. Shroff

1 it was because he wanted to, you know, keep contact with his  
2 brother. Then it was because he wanted to spend time with his  
3 brother. I don't know. He couldn't even tell you if it was  
4 bad for society that his brother went to ISIS.

5 What El Gammal did and what El Gammal did not do. He  
6 did not introduce Samy to a member of ISIS. He did not advise  
7 Attiya Aboualala about the big changes when Samy, twice,  
8 rebooked his flight to Turkey. He did not -- did not --  
9 provide Samy with a price estimate of bus tickets, of known  
10 entry points into Syria because Adana is not one of them and by  
11 then Gaziantep had shut down.

12 What else? He did not remind Samy to make sure he  
13 followed -- he did not send Samy ISIS propaganda or pro-ISIS  
14 material. Do you know why? Because Samy was prolific on  
15 Twitter. He had so many Twitter ISIS connections that the man  
16 needed more ISIS like India needs rice.

17 He did not contribute financially to Samy's plane  
18 ticket or lodging expenses. He did not purchase his ticket, he  
19 did not translate propaganda for him, he did not activate  
20 Twitter with him, he wasn't on Twitter with him, he wasn't on  
21 his Elgorhythm account with him, not on his Abumurad account  
22 with him. He did not book the flight for Samy, he did not ask  
23 him to download apps, he did not speak to Samy on Cryptocat,  
24 PQ Chat or in the bat cave.

25 Who is in the bat cave? The people they gave a free

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Summation - Ms. Shroff

1 pass to.

2 Did he go with them to buy the boots? No. He says,  
3 hey, you think I can stay with Aboualala? I don't know. Ask  
4 him.

5 Did he warn Samy ahead of time that Attiya doesn't  
6 speak English? Conference call, let's do hijrat right now?  
7 Nope.

8 What did Attiya do? Attiya agreed to pick up Samy  
9 from the airport, bring him to the hotel. Didn't show up. Met  
10 him in person, one time, after Samy El- Goarany says to his  
11 brother I have a contact directly into the company.

12 He doesn't pick up Samy from the airport. Doesn't  
13 advise Samy that he was not able to pick him up at the airport.  
14 Doesn't say hey, Buddy Samy, I don't speak English because he  
15 doesn't care enough to do so. He doesn't help Samy get from  
16 Turkey to Syria, does not introduce Samy to a member of ISIS or  
17 anyone who could smuggle him into Syria. He does not help Samy  
18 reserve a hotel or a bus ticket, doesn't invite him to his home  
19 to stay, does not give him a place to stay, and does not even  
20 have Samy's phone number. And guess what? Neither does Samy  
21 bother to take his phone number although Samy is not yet on  
22 this chart. Because why? Because you know -- you know -- that  
23 Samy made up his own mind to join ISIS. You know that he lied  
24 and he used people, he used his family, he used his friend, he  
25 used his parents' money, he used the State's money, he used a

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Summation - Ms. Shroff

1 Pell grant. He -- he -- he used other people. He used other  
2 people. He picked up a rifle, he trained, he fought, he  
3 married a 16-year-old girl which is a sex slave in ISIS. And  
4 he died. And he, without sympathy, I am sorry to say, is the  
5 terrorist in this case because this is a criminal trial and  
6 sympathy is not the issue, credibility is.

7 I promise you I am almost done because this is really  
8 the heart of the case. What did Jimmie Gammal know? Judge  
9 Ramos will instruct you that for each count of the  
10 indictment -- and there are four -- the prosecutors must prove  
11 beyond a reasonable doubt that Mr. El-Gammal knew that Samy was  
12 traveling to Syria to join the Islamic State. He did not. He  
13 did not know. The prosecutors simply cannot bear this burden  
14 and that is why they keep sending you to those chats. Ask what  
15 did he do.

16 Mr. El-Gammal did not know. You know that. Only two  
17 people knew, the two in the bat cave, Ahmed and Tarek.

18 Mr. El-Gammal is not guilty, he is not guilty on Count  
19 One, he is not guilty on Count Two, and let me focus you on  
20 Counts Three and Four because the jury instructions here, and I  
21 hope for your sake it is tomorrow, are long, somewhat  
22 complicated, and that is the only rule of law that you will  
23 need to decide this case.

24 You see, Jimmie Gammal did not know because Samy had  
25 lied and lied to many people and lied to many outside of the



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Summation - Ms. Shroff

1 bat cave. Okay? Khalafalla Osman, his mother, and Mr. Gammal,  
2 same plan. Tarek and Ahmed, same plan. It is like Mark Twain,  
3 those two, east and west, never to meet.

4 They talked a lot about Cryptocat, PQ Chat and Kik.

5 Who else downloaded Cryptocat? Samy?

6 Who asked him to download PQ Chat? Samy.

7 PQ Chat, remember, El Gammal is not in that at all,  
8 only two, Tarek and Ahmed. I am sure you are sick of me saying  
9 it but the only people in that bat cave are the El Goaranyes and  
10 only a select two. The two that don't come clean in January,  
11 February at all.

12 Now, Ms. Tekeei talked a lot about Surespot as well.  
13 She focused on Surespot and said they spoke 970 times. Well,  
14 look at the time period. It is not like they spoke 970 times  
15 in two weeks and he ends December 1st when he is off Surespot  
16 completely.

17 Do you know who else is on Surespot with him?  
18 Khalafalla Osman. Does he tell Khalafalla Osman anything on  
19 Surespot? No. The logical inference is this, that if he  
20 doesn't tell one, he doesn't tell the other. He doesn't tell  
21 anybody who is not on PQ Chat the truth and you know that  
22 because the PQ Chat are the people who get the jail-free card.

23 Look. The other point Ms. Tekeei made a big  
24 production out of, the deletions. I showed you some. Some  
25 deletions are random, and I will show one other where Samy says

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Summation - Ms. Shroff

1 I am in contact with someone from the company directly inside  
2 of the company, and he knows people here and he can probably  
3 get me there in three or four days. Mr. El-Gammal deletes all  
4 but the first phrase. "I am in contact with someone from the  
5 company." Now, that makes no sense at all. Why would you  
6 delete the back half of the sentence and leave the top half?  
7 It doesn't make any sense. If you are hiding something, delete  
8 it all. If you are deleting one chat with one person you are  
9 going to delete it all.

10 And, when you go back and when he rebuts he is going  
11 to put up I am with the State. I was never with the Free  
12 Syrian Army, with al Nusra now.

13 You must understand where Mr. El-Gammal comes from.  
14 His anger, his rath at the dictatorship of Sisi, people getting  
15 killed, people being massacred by the military, shot to death,  
16 to grasp that rage, the failure of the democratic process, I  
17 have to tell you the truth about Mr. El-Gammal too, the guy has  
18 no filter. None. He has no filter in how he writes and how he  
19 speaks but, you know what? Words don't make a crime. Words do  
20 not make a crime.

21 Mr. El-Gammal posted a lot of very stupid, very  
22 idiotic things and even if you believe that that's his belief  
23 system, you know we live in the United States of America and we  
24 do not criminalize belief. We do not criminalize thought.

25 I counted or I tried to count; during the main

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Summation - Ms. Shroff

1 summation the government invoked the phrase ISIS more than 140  
2 times, I think. I could be wrong, but count. What the  
3 government is doing here is prosecuting an ideology, not the  
4 person, and that is why they gave you the summary chart, they  
5 read them to you three times, they acted them out and even when  
6 they did that, they didn't include the whole chats.

7 So, let me pause for just one minute and focus you on  
8 Counts Three and Four. On Counts Three and Four the  
9 prosecution must prove more than what they must prove on Counts  
10 One and Two. On Counts One and Two and if you find you will,  
11 you will find that they have not proven beyond a reasonable  
12 doubt that Mr. El-Gammal knew Samy was joining ISIS, you must  
13 acquit.

14 On Counts Three and Four, the prosecution must prove  
15 more, not just that Jimmie new -- that Mr. El-Gammal knew that  
16 Samy was joining ISIS or fighting with ISIS, but that he,  
17 Mr. El-Gammal, intended specifically to help Samy receive  
18 military training from ISIS. It is a specific intent statute  
19 and Judge Ramos will explain to you far better than I can.

20 There is absolutely not a scintilla of evidence that  
21 he did that and you must acquit.

22 This case really -- this case really is just about  
23 people, the three people, Samy El- Goarany's lies, about the  
24 secrets he kept, the lies told people, the plans he floated,  
25 all the nefarious and mean things he did so that he could get

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1 what he wanted out of life. He lied and he left several people  
2 at risk. He exposed them to great harm. He exposed Attiya  
3 Aboualala, a man he had never met, a man who has suffered  
4 enough. He exposed him a great deal for something that he  
5 absolutely did not do. And go back.

6 And Mr. El-Gammal, the online friend, the government  
7 wants to you believe that it doesn't matter that he loves  
8 America or that he smokes or that he votes. All of that is  
9 inconsequential because, you know, all that matters are those  
10 posts, nothing else should come into context for you. That's  
11 just not true.

12 Judge Ramos will instruct you you are free to consider  
13 all the evidence in the case and that includes evidence of what  
14 he did not do.

15 I really am done now. I am going to sit down and they  
16 get another go around, they get a rebuttal. Case, and after  
17 their rebuttal case I do not get to stand up. And if I forgot  
18 something, if they raise any argument, I am fully confident --  
19 I am fully confident -- that the evidence that you have and the  
20 evidence that you do not have will answer every issue they  
21 raise and take you to the only verdict in this case, a verdict  
22 of not guilty.

23 Thank you.

24 THE COURT: Thank you, Ms. Shroff.

25 Ladies and gentlemen, I have it on good authority that

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1 you don't want the lawyers talking at you more than past 4:00,  
2 it is understandable. I also understand that you don't want me  
3 talking at you for another hour and a half which honestly hurt  
4 a little but I also understand it. So, what we are going to  
5 do, it has been a long day. You have heard, gotten a lot of  
6 information. These are obviously very important arguments, it  
7 is very important that you be alert and in a position to listen  
8 and understand what is going on so we are going to break today,  
9 we are going to start again tomorrow at 9:30, promptly. We  
10 will hear the government's rebuttal summation and I will  
11 provide you with the charge. Okay? So, please, do not discuss  
12 the case.

13 We will see you tomorrow morning.

14 (Continued on next page)

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(Jury not present)

THE COURT: Be seated.

For the record, by my count, the defense summation was actually longer than the prosecution's summation.

MS. SHROFF: But I only get one.

THE COURT: I understand. I am just saying a representation was made that it would be under an hour, just about 24 hours ago. I just say that for the record. And, also, to note, as I have mentioned I think to the parties both at the beginning and at the end, that I don't have a policy of limiting summations or openings. That policy may change. But, I will see you all tomorrow.

And, Mr. Quigley, I will say this, don't go past 30 minutes.

MR. QUIGLEY: Understood, your Honor. Thank you.

THE COURT: Okay. Good night, folks.

MS. SHROFF: Good night. Sorry about that, Judge.

THE COURT: No need to apologize.

(Adjourned to 9:15 a.m., January 26, 2017.)